

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Tuesday, October 17, 2017, 2:14 p.m.

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

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Member King, Mealy, and Perkins;
Maternity Leave: Council Member Cumbo.

There is presently a vacant seat on the Council pending the swearing in of the certified winner of the November 8, 2017 General Election for the 28th Council District in Queens.

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

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

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

INVOCATION

The Invocation was delivered by Council Member Rev. Fernando Cabrera, Pastor of the New Life Church in the Borough of the Bronx.

Let's bow our heads.

Father, we pray for your guidance and wisdom today
as we move forward the agenda of you people in New York City
who specifically lift up to you the precious people in Puerto Rico
who are in dire need of help
in the most difficult time in the history of the island.
We call upon you to love on them to the generosity
of those who are responding right now.
We ask you for—now for your grace and favor to fall upon us.
We pray all these things in your name.
Amen.

On behalf of Council Member Miller, the Public Advocate (Ms. James) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) expressed her condolences to Council Member Andy King on the death of his father, Korean War veteran Andrew King. She thanked the late Mr. King for his service to the country and offered her thoughts to his family at this somber time.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) expressed the Council's solidarity for the citizens of Somalia as they recover from the largest terrorist attack to ever impact their country. On October 14, 2017, a massive truck bomb exploded in the capital city of Mogadishu killing over five hundred people and injuring more than three hundred others. She noted that these actions must be condemned wherever they occur and she offered the Council's sympathies to the residents of Mogadishu. The Speaker (Council Member Mark-Viverito) also acknowledged the mass shooting which took place in Las Vegas, Nevada on October 1, 2017. This attack took the lives of fifty-eight people and left more than five hundred injured. She reiterated that it was well past time to invoke common-sense gun control at the national level regardless of the political implications.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) commended the first responders on the West Coast for their relentless efforts to fight the wild fires that have threatened the communities in northern California. She also praised the first responders who went to help the people of Texas, Florida, Puerto Rico, the U.S. Virgin Islands, and many other Caribbean nations that were impacted by a series of hurricanes this season. At this point, the Speaker (Council Member Mark-Viverito) yielded the floor to Council Member Cabrera who had recently returned from a humanitarian trip to Puerto Rico. Council Member Cabrera spoke briefly to those assembled about the dire situation of many on the Island especially for those individuals who live in the mountainous regions. He thanked the Speaker (Council Member Mark-Viverito) for her help and for her voice in calling attention to this urgent matter.

ADOPTION OF MINUTES

Council Member Matteo moved that the Minutes of the Stated Meeting of August 24, 2017 be adopted as printed.

LAND USE CALL-UPS

M-552

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170464 ZSM shall be subject to Council review.

Coupled on Call-Up Vote.

M-553

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 157 Duane Street, Borough of Manhattan, Community Board 1, Application No. 20175287 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

M-554

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

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170457 ZSK, related to applications C 170454 ZMK, N 170455 ZRK, and C 170456 HAK, shall be subject to Council review.

Coupled on Call-Up Vote.

M-555

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

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application nos. C 170364 PQM, C 170365 ZSM, C 170366 ZSM, and C 170367 ZSM, related to application nos. C 170361 ZMM, N 170362 ZRM, and C 170363 HAM shall be subject to Council review.

Coupled on Call-Up Vote.

M-556

By Council Member Reynoso:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application no. C 170352 PQQ shall be subject to Council review.

Coupled on Call-Up Vote.

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

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

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. 1313-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 safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on October 27, 2016 (Minutes, page 3556), respectfully

REPORTS:

I. Introduction:

On Tuesday, October 10, 2017 the Committee on Civil Service and Labor chaired by Council Member I. Daneek Miller, will consider Int. No. 1313-A, A local law to amend the administrative code of the city of New York in relation to safe time for victims of family offense matters, sexual offenses, stalking, and human trafficking and their family members sponsored by Council Member Ferreras-Copeland Miller. The committee previously held a hearing on the previous version of this bill, Int. No. 1313, on June 12, 2017; the committee heard testimony from the New York City Department of Consumer Affairs, women’s rights advocates and other interested parties.

II. Earned Sick Time Act

The Earned Sick Time Act (ESTA) was passed by the City Council on May 8, 2013.¹ The bill was vetoed by Mayor Bloomberg, which the Council overrode on June 26, 2013, and became Local Law 46 of 2013.² The law was subsequently technically amended, which was also vetoed by Mayor Bloomberg and overridden as Local Law 6 of 2014.³ Mayor de Blasio subsequently introduced a significant expansion of ESTA, which became Local Law 7 of 2014.⁴

Under ESTA, employees of employers with five or more employees earn sick time by working. Employees may accrue up to five days (40 hours) of time, which can be used for a variety of health-related purposes of employees or their families. ESTA does not, however, provide any protection for victims of domestic violence, sexual offenses, stalking, etc.

III. Domestic Violence in New York City

According to the United States Department of Justice (DOJ), domestic violence is defined as “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.”⁵ Domestic violence can be physical, emotional, sexual, economic, or psychological actions—or threats of actions—that negatively influence another person.⁶ This includes any behaviors that intimidate, manipulate, humiliate, terrorize, isolate, frighten, coerce, threaten, blame, hurt, injure or wound someone.⁷ Other terms for domestic violence include intimate partner violence (IPV), battering, relationship abuse, spousal abuse or family violence.

¹ See, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=655220&GUID=8FEF6526-0C00-45D5-BD0B-617353F90F06>.

² *Id.*

³ See, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1531333&GUID=764858D6-E574-475D-BF29-DEDAC7CC20AB>.

⁴ See, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1636850&GUID=FD23CC16-F69E-4F06-B448-251F1CFC922D>.

⁵The United States Department of Justice, Office on Violence Against Women, available at: <http://www.justice.gov/ovw/domestic-violence>.

⁶ *Id.*

⁷ *Id.*

Domestic violence affects families from all socioeconomic backgrounds regardless of age, race, ethnicity, education, or marital status or sexual orientation. According to the DOJ's Bureau of Justice Statistics, between the years 2003 and 2012, domestic violence accounted for 21 percent of all violent crime.⁸ Additionally, DOJ findings state that females (76 percent) experienced more domestic violence victimizations than males (24 percent).⁹ Statistics indicate that women between the ages of 20 and 24 are at the greatest risk of being victims of domestic violence. Furthermore, every year more than 3 million children witness domestic violence in their homes.¹⁰ The National Coalition Against Domestic Violence reports that witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next.¹¹ Without education, interventions and services, the cycle of violence can continue.

IPV can take place within relationships of those much younger as well. The New York City Mayor's Office to Combat Domestic Violence (MOCDV) notes that in 2010, nearly 1,100 individuals between the ages of 17 and 21, and youth under the age of 16, filed family offense petitions in New York State Family Courts as victims of violence in an "intimate relationship."¹² The United States Centers for Disease Control and Prevention (CDC) reports that youth who are victims are more likely to experience symptoms of depression and anxiety as well as engage in unhealthy behaviors such as using drugs and alcohol.¹³

Statistics provided by the New York City Police Department and Safe Horizon, a national victim's assistance organization,¹⁴ show that police responded to 280,531 domestic violence incidents in 2013, an average of over 765 per day.¹⁵ According to the MOCDV, between 2002 and 2012, there were 789 domestic violence homicides in New York City, approximately half of which the perpetrator was the intimate partner of the victim.¹⁶

IV. Earned Safe and Sick Time Act

Int. No. 1313-A would expand ESTA to allow for the use of earned sick days, for issues related to domestic violence, stalking, human trafficking, etc.

The first section of Int. 1313-A would amend section 20-911 of the New York City Administrative Code (Code), changing the name of the law from the ESTA to the "Earned Safe and Sick Time Act."

The second section of Int. 1313 would amend section 20-912 of the Code, which is the definition section of ESTA. In addition to eliminating the lettering of each definition, it would amend two definitions and add several new ones.

The definition of "family member," which currently reads "shall mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of an employee's spouse or domestic partner," would be amended to read: "shall mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee's spouse or domestic partner; any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship."

It would also amend the definition of "paid sick time" to be a definition of "paid sick/safe time," which would mean time that is provided by an employer to an employee that could be used for the purposes described

⁸ The United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Special Report, April 2014, Nonfatal Domestic Violence, 2003–2012, available at: <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

⁹ *Id.*

¹⁰ Safe Horizon, Domestic Violence: Statistics & Facts, available at: <http://www.safehorizon.org/page/domestic-violence-statistics--facts-52.html>.

¹¹ National Coalition Against Domestic Violence Domestic Violence Facts, available at: <http://www.ncadv.org/files/Domestic%20Violence%20Stylized--GS%20edits.pdf>.

¹² In 2008, New York State expanded the definition of "member of the same family or household" under the Family Court Act to include partners in intimate relationships who have no child in common and are not married. N.Y. Fam. Ct. Act § 812 (1)(e); New York City Mayor's Office to Combat Domestic Violence, Teen Dating Violence Fact Sheet 2013, available at: http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Teen_Dating_Violence_Fact_Sheet_2013.pdf.

¹³ Centers for Disease Control & Prevention, Teen Dating Violence, available at: http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html.

¹⁴ See, <https://www.safehorizon.org/>.

¹⁵ New York City Mayor's Office to Combat Domestic Violence, Domestic Violence Annual Fact Sheet 2013, available at: http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_Annual_Fact_Sheet_2013.pdf.

¹⁶ New York City Mayor's Office to Combat Domestic Violence, New York City Domestic Violence Fatality Review Committee, Annual Report 2013, available at: http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics_8th_Annual_Report_Fatality_Review_Committee_2013.pdf.

in section 20-914 of this chapter and is compensated at the same rate as the employee earns from his or her employment at the time the employee uses such time, except that an employee who volunteers or agrees to work hours in addition to his or her normal schedule would not receive more in paid safe/sick time compensation than his or her regular hourly wage if such employee is not able to work the hours for which he or she has volunteered or agreed even if the reason for such inability to work is one of the reasons in section 20-914 of this chapter. In no case would an employer be required to pay more to an employee for paid safe/sick time than the employee's regular rate of pay at the time the employee uses such paid safe/sick time, except that in no case shall the paid safe/sick time hourly rate be less than the hourly rate provided in subdivision 1 of section 652 of the labor law.

New definitions added would be:

"Family offense matter" which would mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

"Human trafficking" which would mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

"Member of the same family or household" which would mean (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

"Sexual offense" which would mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

"Stalking" which would mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

The third section of Int. No. 1313 would amend section of 20-913 of ESTA regarding the "Right to safe/sick time." In this section, every reference to sick time would be changed to "safe/sick time."

The fourth section of Int. No. 1313 would amend section 20-914 of ESTA regarding the "Use of safe/sick time." In addition to renumbering/relettering parts of this section, and updating every reference to sick time to "safe/sick time," a new subdivision a paragraph 2 would be added, replacing former subdivision c. Such paragraph would require that for an absence of more than three consecutive work days for sick time, an employer would be allowed to require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to this subdivision, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken would be considered reasonable documentation and an employer should not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.

This section of the bill would also add an explanation of safe time in subdivision b of section 20-914 as follows, which would state that an employee would be entitled to use safe/sick time for absence from work due to any of the following reasons when the employee or a family member has been the victim of a family offense matter, sexual offense, stalking or human trafficking:

- (a) to obtain services from a domestic violence shelter, rape crisis center, or other services program for relief from a family offense matter, sexual offense, stalking or human trafficking;
- (b) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking or human trafficking;
- (c) to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
- (d) to file a complaint or domestic incident report with law enforcement;
- (e) to meet with a district attorney's office;
- (f) to enroll children in a new school; or
- (g) to take other actions necessary to restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

This section of the bill would further require that for an absence of more than three consecutive work days for safe time, an employer would be allowed to require reasonable documentation that the use of safe time was authorized by this subdivision. Documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the family offense matter, sexual offense, stalking, or human trafficking.

The fourth section of the bill would also update section 20-915 of the Code, regarding "Changing of schedule" and section 20-916 regarding "Collective bargaining agreements," to update references of "sick time" to "safe/sick time."

The fifth section of the bill would amend section 20-919 of ESTA, regarding "Notice of rights." In addition to updating references of "sick time" to "safe/sick time," it would add a new paragraph 2 to subdivision a, which would state that notices provided to employees pursuant to this section on and after the effective date of this paragraph would in addition inform employees of their right to safe time under this chapter. Employers would be required to give employees who have already received notice of their right to sick time pursuant to this section notice of their right to safe leave within thirty days of the effective date of this paragraph.

Section six of the bill would amend section 20-921 of ESTA, regarding "Confidentiality and nondisclosure." Subdivision a of such section would be amended to state that an employer would not be permitted to require the disclosure of details relating to an employee's or his or her family member's medical condition or require the disclosure of details relating to an employee's or his or her family member's status as a victim of family offenses, sexual offenses or stalking as a condition of providing safe/sick time under this chapter. Health information about an employee or an employee's family member, and information concerning an employee's or his or her family member's status or perceived status as a victim of family offenses, sexual offenses or stalking obtained solely for the purposes of utilizing safe/sick time pursuant to this chapter, should be treated as confidential and should not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law. Provided, however, that nothing in this section would preclude an employer from considering information provided in connection with a request for safe leave in connection with a request for reasonable accommodation pursuant to section 8-107.1 of the administrative code.

Section six of the bill would also update references in section 20-922 of ESTA, regarding "Encouragement of more generous policies; no effect on more generous policies" and section 20-923, regarding "Other legal requirements," of "sick time" to "safe time or sick time."

The seventh and last section of the bill would be the enactment clause. This local law would take effect 180 days after it becomes law, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law would take effect on the date of the termination of such

agreement, and provided further that the director of the office of labor standards would be empowered to take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

V. Amendments

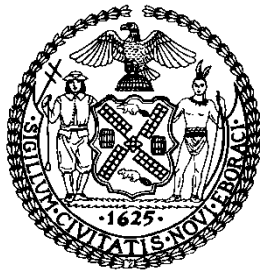
Int. No. 1313-A was not amended significantly from Int. No. 1313. In addition to some technical amendments, the main changes were that “human trafficking” was added throughout the bill, and the language in section 20-914(b)(1)(c) regarding use of time was expanded. It originally read:

(c) to meet with a civil attorney or other social service provider to obtain information and advice on matters related to custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

It was amended to be more expansive:

(c) to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

(The following is from the text of the Fiscal Impact Statement for Int. No. 1313-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1313-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members

SPONSOR(S): Council Members Ferreras-Copeland, Salamanca, Levin, Chin, Menchaca, Constantinides, Miller, Cohen, Rosenthal, Espinal and the Public Advocate (Ms. James) (in conjunction with the Mayor)

SUMMARY OF LEGISLATION: This legislation would expand the Earned Sick Time Act (now renamed the “Earned Sick and Safe Time Act”) to allow victims of family offense matters, such as disorderly conduct and harassment, sexual offences, such as sexual misconduct, forcible touching and sexual abuse, stalking and human trafficking to use earned “safe” hours in connection with such abuse. Such hours would be available for employees to obtain services from a domestic violence shelter or rape crisis center, participate in safety planning, temporarily or permanently relocate, meet with an attorney or social service provider to obtain information and advice, or take other actions to ensure their own or a family members’ safety.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, however, in the case of employees covered by a valid collective bargaining agreement that is in effect on the effective date of this local law, the local law would take effect upon the termination of the agreement. Furthermore, the Director of the Office of Labor Standards may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A**FISCAL IMPACT STATEMENT:**

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there will be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there will be no impact on expenditures from this legislation because the relevant City agencies would utilize existing resources to implement and enforce the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION:

ESTIMATE PREPARED BY: Kendall Stephenson, Economist, Finance Division

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

Raymond Majewski, Chief Economist/Deputy Director, Finance Division
Eric Bernstein, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1313 on October 27, 2016 and was referred to the Committee on Civil Service and Labor (Committee). On June 12, 2017, the Committee held a hearing on Intro. No. 1313 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1313-A, will be considered by the Committee at a hearing on October 10, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1313-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 6, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1313-A:)

Int. No. 1313-A

By Council Members Ferreras-Copeland, Salamanca, Levin, Chin, Menchaca, Constantinides, Miller, Cohen, Rosenthal, Espinal, Cornegy and the Public Advocate (Ms. James) (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York in relation to safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members

Be it enacted by the Council as follows:

Section 1. Section 20-911 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, is amended to read as follows:

§ 20-911 Short title. This chapter shall be known and may be cited as the “*Earned Safe and Sick Time Act*.”

§ 2. Section 20-912 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, subdivisions b, g and h as amended by local law number 7 for the year 2014, subdivisions t, u and v as added by local law number 7 for the year 2014, subdivision s as amended by local law number 104 for the year 2015, is amended to read as follows:

§ 20-912 Definitions. When used in this chapter, the following terms shall be defined as follows:

[a.] “Calendar year” shall mean a regular and consecutive twelve month period, as determined by an employer.

[b.] “Chain business” shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least five.

[c.] “Child” shall mean a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

“Commissioner” shall mean the head of such office or agency as the mayor shall designate pursuant to section 20-a of the charter.

“Department” shall mean such office or agency as the mayor shall designate pursuant to section 20-a of the charter.

[d.] “Domestic partner” shall mean any person who has a registered domestic partnership pursuant to section 3-240 of the code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

[e.] “Domestic worker” shall mean any “domestic worker” as defined in section 2(16) of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year who performs work on a full-time or part-time basis.

[f.] “Employee” shall mean any “employee” as defined in *subdivision 2 of section [190(2)] 190* of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year 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, and not including those who are 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 of New York or any local government, municipality or county or any entity governed by *section 92 of the general municipal law [section 92]* or *section 207 of the county law [section 207]*.

[g.] “Employer” shall mean any “employer” as defined in *subdivision (3) of section [190(3)] 190* of the labor law, but not including (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 of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, 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 per week 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.

[h.] “Family member” shall mean an employee’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent[, or]; the child or parent of an employee’s spouse or domestic partner; *any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship.*

“Family offense matter” shall mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

“Grandchild” shall mean a child of an employee’s child.

“Grandparent” shall mean a parent of an employee’s parent.

[i.] “Health care provider” shall mean any person licensed under federal or New York state law to provide medical or emergency services, including, but not limited to, doctors, nurses and emergency room personnel.

[j.] “Hourly professional employee” shall mean any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6732, 7902 or 8202, (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.

“Human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

“Member of the same family or household” shall mean (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

[k.] “Paid [sick] *safe/sick* time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in section 20-914 of this chapter and is compensated at the same rate as the employee earns from his or her employment at the time the employee uses such time, except that an employee who volunteers or agrees to work hours in addition to his or her normal schedule will not receive more in paid [sick] *safe/sick* time compensation than his or her regular hourly wage if such employee is not able to work the hours for which he or she has volunteered or agreed even if the reason for such inability to work is one of the reasons in section 20-914 of this chapter. In no case shall an employer be required to pay more to an employee for paid [sick] *safe/sick* time than the employee’s regular rate of pay at the time the employee uses such paid [sick] *safe/sick* time, except that in no case shall the paid [sick] *safe/sick* time hourly rate be less than the hourly rate provided in *subdivision 1* of section [652 (1)] 652 of the labor law.

[l.] “Parent” shall mean a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

[m.] “Public disaster” shall mean an event such as fire, explosion, terrorist attack, severe weather conditions or other catastrophe that is declared a public emergency or disaster by the president of the United States, the governor of the state of New York or the mayor of the city of New York.

[n.] “Public health emergency” shall mean a declaration made by the commissioner of health and mental hygiene pursuant to *subdivision d* of section [3.01(d)] 3.01 of the New York city health code or by the mayor pursuant to section 24 of the executive law.

[o.] “Public service commission” shall mean the public service commission established by section 4 of the public service law.

[p.] “Retaliation” shall mean any threat, discipline, discharge, demotion, suspension, reduction in employee hours, or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under this chapter.

“Safe time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivision b of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

“Sexual offense” shall mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

“Sibling” shall mean an employee’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

[q.] “Sick time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivision a of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

[r.] “Spouse” shall mean a person to whom an employee is legally married under the laws of the state of New York.

“Stalking” shall mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

[s. “Department” shall mean such office or agency as the mayor shall designate pursuant to section 20-a of the charter.

t. “Grandchild” shall mean a child of an employee’s child.

u. “Grandparent” shall mean a parent of an employee’s parent.

v. “Sibling” shall mean an employee’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

w. “Commissioner” shall mean the head of such office or agency as the mayor shall designate pursuant to section 20-a of the charter.]

§ 3. Section 20-913 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, subdivision a as amended by local law number 7 for the year 2014, and subdivision h as amended by local law number 6 for the year 2014, is amended to read as follows:

§ 20-913 Right to [sick] *safe/sick* time; accrual. a. All employees have the right to [sick] *safe/sick* time pursuant to this chapter.

1. All employers that employ five or more employees and all employers of one or more domestic workers shall provide paid [sick] *safe/sick* to their employees in accordance with the provisions of this chapter.

2. All employees not entitled to paid [sick] *safe/sick* pursuant to this chapter shall be entitled to unpaid [sick] *safe/sick* time in accordance with the provisions of this chapter.

b. All employers shall provide a minimum of one hour of [sick] *safe/sick* time for every thirty hours worked by an employee, other than a domestic worker who shall accrue [sick] *safe/sick* time pursuant to paragraph 2 of subdivision d of this section. Employers shall not be required under this chapter to provide more than forty hours of [sick] *safe/sick* time for an employee in a calendar year. For purposes of this subdivision, any paid days of rest to which a domestic worker is entitled pursuant to *subdivision 1* of section [161(1)] *161* of the labor law shall count toward such forty hours. Nothing in this chapter shall be construed to discourage or prohibit an employer from allowing the accrual of [sick] *safe/sick* time at a faster rate or use of sick time at an earlier date than this chapter requires.

c. An employer required to provide paid [sick] *safe/sick* time pursuant to this chapter who provides an employee with an amount of paid leave, including paid time off, paid vacation, paid personal days or paid days of rest required to be compensated pursuant to *subdivision 1* of section [161(1)] *161* of the labor law, sufficient to meet the requirements of this section and who allows such paid leave to be used for the same purposes and under the same conditions as [sick] *safe/sick* time required pursuant to this chapter, is not required to provide additional paid [sick] *safe/sick* time for such employee whether or not such employee chooses to use such leave for the purposes included in subdivision a of section 20-914 of this chapter. An employer required to provide unpaid [sick] *safe/sick* time pursuant to this chapter who provides an employee with an amount of unpaid or paid leave, including unpaid or paid time off, unpaid or paid vacation, or unpaid or paid personal days, sufficient to meet the requirements of this section and who allows such leave to be used for the same purposes and under the same conditions as [sick] *safe/sick* time required pursuant to this chapter, is not

required to provide additional unpaid [sick] *safe/sick* time for such employee whether or not such employee chooses to use such leave for the purposes set forth in subdivision a of section 20-914 of this chapter.

d. 1. For an employee other than a domestic worker, [sick] *safe/sick* time as provided pursuant to this chapter shall begin to accrue at the commencement of employment or on the effective date of this local law, whichever is later, and an employee shall be entitled to begin using [sick] *safe/sick* time on the one hundred twentieth calendar day following commencement of his or her employment or on the one hundred twentieth calendar day following the effective date of this local law, whichever is later. After the one hundred twentieth calendar day of employment or after the one hundred twentieth calendar day following the effective date of this local law, whichever is later, such employee may use [sick] *safe/sick* time as it is accrued.
2. In addition to the paid day or days of rest to which a domestic worker is entitled pursuant to *subdivision 1 of section [161(1)] 161* of the labor law, such domestic worker shall also be entitled to two days of paid [sick] *safe/sick* time as of the date that such domestic worker is entitled to such paid day or days of rest and annually thereafter, provided that notwithstanding any provision of this chapter to the contrary, such two days of paid [sick] *safe/sick* time shall be calculated in the same manner as the paid day or days of rest are calculated pursuant to the provisions of *subdivision 1 of section [161(1)] 161* of the labor law.

e. Employees who are not covered by the overtime requirements of New York state law or regulations, including the wage orders promulgated by the New York commissioner of labor pursuant to article 19 or 19-A of the labor law, shall be assumed to work forty hours in each work week for purposes of [sick] *safe/sick* time accrual unless their regular work week is less than forty hours, in which case sick time accrues based upon that regular work week.

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117, (iii) independent contractors who do not meet the definition of employee under *subdivision 2 of section [190(2)] 190* of the labor law, and (iv) hourly professional employees.

g. Employees shall determine how much earned [sick] *safe/sick* time they need to use, provided that employers may set a reasonable minimum increment for the use of [sick] *safe/sick* time not to exceed four hours per day.

h. Except for domestic workers, up to forty hours of unused [sick] *safe/sick* time as provided pursuant to this chapter shall be carried over to the following calendar year; provided that no employer shall be required to (i) allow the use of more than forty hours of [sick] *safe/sick* time in a calendar year or (ii) carry over unused paid [sick] *safe/sick* time if the employee is paid for any unused [sick] *safe/sick* time at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid [sick] *safe/sick* time that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of such year.

i. Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick time that has not been used.

j. If an employee is transferred to a separate division, entity or location in the city of New York, but remains employed by the same employer, such employee is entitled to all [sick] *safe/sick* time accrued at the prior division, entity or location and is entitled to retain or use all [sick] *safe/sick* time as provided pursuant to the provisions of this chapter. When there is a separation from employment and the employee is rehired within six months of separation by the same employer, previously accrued [sick] *safe/sick* time that was not used shall be reinstated and such employee shall be entitled to use such accrued [sick] *safe/sick* time at any time after such employee is rehired, provided that no employer shall be required to reinstate such [sick] *safe/sick* time to the extent the employee was paid for unused accrued [sick] *safe/sick* time prior to separation and the employee agreed to accept such pay for such unused [sick] *safe/sick* time.

§ 4. Sections 20-914, 20-915 and subdivision a of 20-916 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, are amended to read as follows:

§ 20-914 Use of [sick] *safe/sick* time. a. Sick time.

1. An employee shall be entitled to use sick time for absence from work due to:

[1.](a) such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; or

[2.](b) care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care; or

[3.](c) closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

2. For an absence of more than three consecutive work days for sick time, an employer may require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to this subdivision, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.

b. Safe time.

1. An employee shall be entitled to use safe time for absence from work due to any of the following reasons when the employee or a family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking:

(a) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;

(b) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;

(c) to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

(d) to file a complaint or domestic incident report with law enforcement;

(e) to meet with a district attorney's office;

(f) to enroll children in a new school; or

(g) to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

2. For an absence of more than three consecutive work days for safe time, an employer may require reasonable documentation that the use of safe time was authorized by this subdivision. For safe time used pursuant to this subdivision, documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the family offense matter, sexual offense, stalking, or human trafficking.

c. An employer may require reasonable notice of the need to use [sick] safe/sick time. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such [sick] safe/sick time, not to exceed seven days prior to the date such [sick] safe/sick time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of [sick] safe/sick time as soon as practicable.

[c. For an absence of more than three consecutive work days, an employer may require reasonable documentation that the use of sick time was authorized by subdivision a of this section. For sick time used pursuant to paragraphs 1 and 2 of subdivision a of this section, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee's or the employee's family member's injury, illness or condition, except as required by law.]

d. Nothing herein shall prevent an employer from requiring an employee to provide written confirmation that an employee used [sick] safe/sick time pursuant to this section.

e. An employer shall not require an employee, as a condition of taking [sick] *safe/sick* time, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

f. Nothing in this chapter shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses [sick] *safe/sick* time provided pursuant to this chapter for purposes other than those described in this section.

§ 20-915 Changing schedule. Upon mutual consent of the employee and the employer, an employee who is absent for a reason listed in subdivision a of section 20-914 of this chapter may work additional hours during the immediately preceding seven days if the absence was foreseeable or within the immediately subsequent seven days from that absence without using [sick] *safe/sick* time to make up for the original hours for which such employee was absent, provided that an adjunct professor who is an employee at an institute of higher education may work such additional hours at any time during the academic term. An employer shall not require such employee to work additional hours to make up for the original hours for which such employee was absent or to search for or find a replacement employee to cover the hours during which the employee is absent pursuant to this section. If such employee works additional hours, and such hours are fewer than the number of hours such employee was originally scheduled to work, then such employee shall be able to use [sick] *safe/sick* time provided pursuant to this chapter for the difference. Should the employee work additional hours, the employer shall comply with any applicable federal, state or local labor laws.

§ 20-916 Collective bargaining agreements. a. The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, [sick] *safe/sick* time, and holiday and Sunday time pay at premium rates.

§ 5. Subdivisions a and b of section 20-919 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, subdivision a as amended by local law number 6 for the year 2014, are amended to read as follows:

§ 20-919 Notice of rights. a. 1. An employer shall provide an employee either at the commencement of employment or within thirty days of the effective date of this section, whichever is later, with written notice of such employee's right to [sick] *safe/sick* pursuant to this chapter, including the accrual and use of [sick] *safe/sick* time, the calendar year of the employer, and the right to be free from retaliation and to bring a complaint to the department. Such notice shall be in English and the primary language spoken by that employee, provided that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Such notice may also be conspicuously posted at an employer's place of business in an area accessible to employees.

2. *Notices provided to employees pursuant to this section on and after the effective date of this paragraph shall in addition inform employees of their right to safe time under this chapter. Employers shall give employees who have already received notice of their right to sick time pursuant to this section notice of their right to safe time within thirty days of the effective date of this paragraph.*

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section *concerning sick time and safe time* and such notices shall allow for the employer to fill in applicable dates for such employer's calendar year. Such notices shall be posted in a downloadable format on the department's website in Chinese, English, French-Creole, Italian, Korean, Russian, Spanish and any other language deemed appropriate by the department.

§ 6. Sections 20-921 and 20-922 and subdivision a of 20-923 of the administrative code of the city of New York, as added by local law number 46 for the year 2013, are amended to read as follows:

§ 20-921 Confidentiality and nondisclosure. a. [No person or entity] *An employer may not require the disclosure of details relating to an employee's or his or her family member's medical condition or require the disclosure of details relating to an employee's or his or her family member's status as a victim of family offenses, sexual offenses, stalking, or human trafficking as a condition of providing [sick] safe/sick time under this chapter. Health information about an employee or an employee's family member, and information concerning an employee's or his or her family member's status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking obtained solely for the purposes of utilizing [sick]*

safe/sick time pursuant to this chapter, shall be treated as confidential and shall not be disclosed except by the affected employee, with the *written* permission of the affected employee or as required by law. *Provided, however, that nothing in this section shall preclude an employer from considering information provided in connection with a request for safe time in connection with a request for reasonable accommodation pursuant to section 8-107.1 of the administrative code.*

§ 20-922 Encouragement of more generous policies; no effect on more generous policies.

a. Nothing in this chapter shall be construed to discourage or prohibit the adoption or retention of a *safe time* or sick time policy more generous than that which is required herein.

b. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous *safe time* or sick time to an employee than required herein.

c. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding *safe time* or sick time as provided pursuant to federal, state or city law.

§ 20-923 Other legal requirements. a. This chapter provides minimum requirements pertaining to *safe time* and sick time and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of *safe leave* or *time* or sick leave or time, whether paid or unpaid, or that extends other protections to employees.

§ 7. This local law takes effect 180 days after it becomes law, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law takes effect on the date of the termination of such agreement, and provided further that the director of the office of labor standards may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM, COSTA G. CONSTANTINIDES, ROBERT E. CORNEGY, Jr.; Committee on Civil Service and Labor, October 10, 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 Finance

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

Report for Res. No. 1679

Report of the Committee on Finance in favor of approving a Resolution concerning the establishment of the Morris Park Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 17, 2017, respectfully

REPORTS:

BACKGROUND

On October 17, 2017, the Committee on Finance, chaired by Council Member Julissa Ferreras-Copeland, will consider a preconsidered resolution concerning the establishment of the Morris Park Business

Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

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

The proposed Morris Park BID (also referred to as the “District”) would be located along Morris Park Avenue in the Morris Park neighborhood of the Bronx. The BID consists of 188 properties alongside both sides of Morris Park Avenue, bounded by Unionport Road to the west and Williamsbridge Road to the east.¹ This area is a low-density, pedestrian friendly commercial corridor, which provides neighborhood-scale retail, services and entertainment.² The District includes restaurants, boutiques, and other specialized retail; health, legal, real estate and financial institutions; and beauty, hair and nail salons.³ There are also several houses of worship, government offices and a public library.⁴ Of the area’s 188 properties, 152 are partially or wholly commercial properties.⁵

The District projects a first year budget of \$390,000.⁶ The assessed contribution is based on a linear lot front footage.⁷ The BID’s sponsor has indicated projected assessments as follows in the first year of operation⁸:

- Commercial and mixed-use lots would be assessed at an approximate rate of \$42.50 per front foot per year, plus an additional \$300 fee if the parcel occupies a corner;
- Residential lots would be assessed a flat fee of \$1.00 per lot;
- Vacant parcels zoned for commercial or mixed-use would be assessed fee of \$300 per lot (if the lot is on a corner, an additional fee of \$300 would be assessed);
- Government- and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment.

According to the BID’s Steering Committee, the estimated highest assessment amount would be about \$14,882.67; the estimated minimum about \$499.98; and the average estimated assessment would be about \$2,565.63.⁹

The BID proposes to provide the following services in its first year of operation¹⁰:

SERVICES	PERCENTAGE OF BUDGET
Maintenance and Sanitation Services (including graffiti removal, street and sidewalk cleaning and emptying of pedestrian trash receptacles)	38%
Marketing and Special Events Services (including joint advertising,	28%

¹ City of New York, City Planning Commission, *IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Morris Park BID Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Morris Park Business Improvement District, Borough of the Bronx, Community District 11 1* (Aug. 9, 2017).

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id. at 2.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 2-3.

web site design and promotion, special events, festivals, holiday lighting and seasonal decorations, and publications)	
Administration and Advocacy (salaried staff, including an Executive Director, a community liaison, clerical and bookkeeping support, and other special staff or consultants)	24%
Beautification (including landscaping, seasonal plant purchasing, installation and maintenance, and maintenance of tree pits, planters and hanging baskets)	7%
Public Safety (including unarmed patrol of the BID area, closed circuit surveillance, creation or support of a Neighborhood Watch group, or safety education programs)	3%

PRECONSIDERED RES. NO. 1679

This Resolution is required by law to set the public hearing date, time, and place for the consideration of the local law that would establish the Morris Park BID. The public hearing will be held on October 31, 2017, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

Accordingly, this Committee recommends its adoption.

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

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, October 17, 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. 755

Report of the Committee on Finance in favor of a Resolution approving Seagirt Apartments, Block 15610, Lot 1; Queens, Community District No. 14, Council District No. 31.

The Committee on Finance, to which the annexed Land Use item was referred on September 27, 2017 (Minutes, page 3371) 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:)

October 17, 2017

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

FROM: Eric Bernstein, Counsel, Finance Division
Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of October 17, 2017 - Resolutions approving tax exemptions for three Land Use items (Council Districts 9, 31, and 36)

Item 1: Seagirt Apartments

Seagirt Apartments is a partially occupied, 917-unit, former Mitchell-Lama development, located on Seagirt Avenue in Queens. In 2013, the property was acquired by Sandcastle Towers HDFC which entered into a regulatory agreement with HPD. On June 12, 2013, the Council adopted Res. 1815-2013 granting the property a 25-year partial Article XI property tax exemption.

Under the proposed project, the property will be acquired by HP Sea Girt HDFC and 711 Seagirt Avenue Holdings LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will undertake the rehabilitation of the property with private financing and will enter into a 36-year regulatory agreement with HPD restricting the use of the development to low-income rental housing. HPD requests that the Council approve a partial Article XI tax exemption that is coterminous with the term of the new regulatory agreement that will help preserve affordability of the low-income residential units. Upon the Council's adoption of a new exemption, the benefits granted pursuant to Res. 1815-2013 will expire.

Summary:

- Borough – Queens
- Block 15610, Lot 1
- Council District – 31
- Council Member – Richards
- Council Member approval – Yes
- Number of buildings – 4
- Number of units – 917 (including one superintendent's unit)
- Type of Exemption-Article XI Tax Exemption, Partial, 36-year term
- Population – low-income households
- Sponsor – HP Sea Girt HDFC, Treetop Development
- Purpose – Preservation
- Cost to the City –
 - NPV of Exemption Benefits: \$39.6M
- Housing Code Violations-
 - Class B: 20
 - Class C: 1
- Anticipated AMI targets: 125%

Item 2: Wyatt Tee Walker

Wyatt Tee Walker Housing for the Elderly (the “property”) is a 79-unit housing project for low-income seniors. Canaan Baptist Housing Development Fund Corp. (HDFC) developed the property under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (HUD), as well as a partial Article XI tax exemption initially granted by the City in 1988. In 2006, the property refinanced its Section 202 loan with a Section 223(f) insured mortgage. On May 10, 2006, the Council adopted Res. 304-2006 (further amended by Res. No. 474-2006) granting the property a partial Article XI exemption that expires upon the repayment or refinancing of the property’s current HUD-insured mortgage.

The property is now planning to refinance its Section 223(f) insured mortgage and obtain a new Section 223(f) insured mortgage. The subsequent savings in debt service are to be used to fund needed repairs, as well as other financial obligations. Upon refinancing, the property will remain under the HUD Section 202 program to continue to provide housing for low-income seniors. The existing benefits granted pursuant to Res. 304-2006 will expire upon refinancing.

The property will also be subject to a 35-year Regulatory Agreement with HPD (coterminous with the exemption) requiring that the property continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, or any Section 8 rental assistance payments contract or other rental housing assistance contract independent of the continuation of the HUD Use Agreement.

Summary:

- Borough – Manhattan
- Block 1944, Lot 36
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 79 (plus one superintendent’s unit)
- Type of Exemption-Article XI Tax Exemption, Partial, 35-year term
- Population – low-income senior households
- Sponsor – Canaan Baptist HDFC
- Purpose – Preservation
- Cost to the City –
 - NPV of Exemption Benefits: \$4.4M (\$54,756/unit)
- Housing Code Violations-
 - Class A: 4
 - Class B: 13
- Anticipated AMI targets: 80% (30% of the units are further restricted at 50% AMI)

Item 3: Lefferts Heights

Lefferts Heights (the “property”) is a 86-unit development providing rental housing for low-income families. The Lefferts Heights Housing Development Fund Company, Inc. (HDFC) developed the property under the Section 221(d)(3) program with financing from HUD. Additionally, in April 1970, the Board of Estimate of the City of New York approved a partial Article XI exemption for the property that was tied to the term of the HUD mortgage. The exemption expired in January 2015 (when the mortgage matured), and the property currently does not receive any exemption from real property taxation.

The owners of the property (the HDFC and 130 Lefferts Owners LLC-the beneficial owner of the property) are now planning to refinance and obtain a Section 223(f) HUD-insured mortgage. The subsequent savings in debt service would be used to fund needed repairs, as well as meet other financial obligations. As a condition of receiving the proposed exemption, the property would be subject to a 40-year Regulatory Agreement with HPD restricting all of the dwelling units upon vacancy to households at 50% AMI.

Summary:

- Borough – Brooklyn
- Block 2019, Lot 40
- Council District – 36
- Council Member – Cornegy
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 86 (plus one superintendent’s unit)
- Type of Exemption-Article XI Tax Exemption, Partial, 40-year term
- Population – low-income households
- Sponsor – Lefferts Heights HDFC, 130 Lefferts Owners LLC
- Purpose – Preservation
- Cost to the City –
 - NPV of Exemption Benefits: \$0
- Housing Code Violations-
 - Class A: 4
 - Class B: 4
- Anticipated AMI targets: 50%. The project will also comply with a 20% homeless preference, which will be implemented through every 2nd vacancy of a dwelling unit.

(For text of the coupled resolutions for L.U. Nos. 764 and 765, please see, respectively, the Reports of the Committee on Finance for L.U. Nos. 764 and 765 printed in these Minutes; for text of the coupled resolution to L.U. No. 755, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 755, 764, and 765.

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

Res. No. 1682

Resolution approving an exemption from real property taxes for property located at (Block 15610, Lot 1) Queens, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 755).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 14, 2017 that the Council take the following action regarding a housing project located at (Block 15610, Lot 1) Queens (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) “Company” shall mean 711 Seagirt Avenue Holdings 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 Queens, City and State of New York, identified as Block 15610, Lot 1 on the Tax Map of the City of New York.
 - (d) “Expiration Date” shall mean the earlier to occur of (i) June 26, 2053 (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 HP Sea Girt 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 City Council on June 12, 2013 (Res. No. 1815-2013).
 - (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.
 - (k) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

- (1) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent in the tax year in which such real property tax payment is made.
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. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the annual real property tax payment shall be in the sum of the Shelter Rent Tax.
5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) 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 a building on the Exemption Area that exists 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.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, October 17, 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 L.U. No. 764

Report of the Committee on Finance in favor of a Resolution approving Wyatt Tee Walker, Block 1944, Lot 36; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 17, 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 L.U. No. 755 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1683

Resolution approving an exemption from real property taxes for property located at (Block 1944, Lot 36) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 764).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 18, 2017 that the Council take the following action regarding a housing project located at (Block 1944, Lot 36) 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 the date of repayment or refinancing of the HUD Mortgage.

- b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1944, Lot 36 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean Canaan Baptist Housing Development Fund Corp. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
 - g. "HUD Mortgage" shall mean the Section 223(f) insured mortgage made by HUD on October 13, 2006, to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
 - h. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - i. "Owner" shall mean the HDFC.
 - j. "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 May 10, 2006 (Resolution No. 304), as amended by the Council of the City of New York on August 16, 2006 (Resolution No. 474).
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner entered into on or after the Effective Date establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
 - l. "Shelter Rent Tax" shall mean the sum of (i) \$196,571, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
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. 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 Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) 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 a building on the Exemption Area that exists 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.
6. In consideration of the New Exemption, prior or simultaneous with repayment or refinancing of the HUD Mortgage, the owner, for itself, its successors and assigns, shall (i) execute and record a Regulatory Agreement, and (ii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, October 17, 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 L.U. No. 765

Report of the Committee on Finance in favor of a Resolution approving Lefferts Heights, Block 2019, Lot 40; Brooklyn, Community District No. 2, Council District No. 36.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 17, 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. 755 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1684

Resolution approving an exemption from real property taxes for property located at (Block 2019, Lot 40) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 765).

By Council Member Ferreras-Copeland.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 29, 2017 that the Council take the following action regarding a housing project located at (Block 2019, Lot 40) Brooklyn (“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. “Company” shall mean 130 Lefferts Owners LLC.

- b. "Effective Date" shall mean 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 2019, Lot 40 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. "Gross Rent" shall mean the gross potential rents from all residential and commercial units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
 - g. "Gross Rent Tax" shall mean an amount equal to ten percent (10%) of the Gross Rent in the tax year in which such real property tax payment is made.
 - h. "HDFC" shall mean Lefferts Heights Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - 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 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
 4. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) 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 exists 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 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, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., COREY D. JOHNSON, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, October 17, 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 General Welfare

Report for Int. No. 622-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to educate homeless persons on domestic violence.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 22, 2015 (Minutes, page 320), respectfully

REPORTS:

Introduction

On October 16, 2017, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. 622-A and Proposed Int. 1460-A. This will be the second hearing on the bills, the first hearing was held on April 20, 2017. At that hearing, representatives from the Department of Social

Services, advocates for the homeless, and other concerned members of the community testified. Amendments were made to the bills after the hearing.

Background

Proposed Int. 622-A - in relation to requiring the department of homeless services to educate homeless persons on domestic violence

Every homeless family with children seeking shelter must first apply at the Department of Homeless Services' (DHS) Prevention Assistance and Temporary Housing (PATH) intake center in the Bronx.

¹ Services at PATH are provided to families with children under 21, pregnant women, or families with pregnant women.² Families whom DHS determines to have "safe and appropriate places to stay" are not eligible for shelter services.³ In August 2017, the latest available data, 2,837 families applied for shelter at PATH and 1,141 were found eligible for shelter.⁴ Adult families seeking shelter must apply at the Adult Family Intake Center (AFIC).⁵ In August 2017, 437 adult families applied for shelter and 148 were found eligible.⁶

As of October 11, 2017, 14,383 families with children and 2,496 adult families lived in DHS shelters.⁷ According to DHS, domestic violence is one of the top reason families enter shelter and in 2016, an average of 31% of families with children entering DHS shelters each month had a history of domestic violence and 10% were experiencing an ongoing domestic violence threat.⁸ Although the Human Resources Administration (HRA) operates a system of specialized domestic violence shelters, this system only has the capacity to serve approximately 1,000 families at any time⁹ and stays are limited to 180 consecutive days pursuant to State law.¹⁰ Anyone applying for shelter who is experiencing domestic violence can receive assistance through the No Violence Again (NoVA) program located at PATH. During the PATH intake process, those who self-report household violence are referred to NoVA staff, who specifically assist victims of domestic violence.¹¹ Pursuant to Proposed Int. 622-A, every eligible homeless family would be provided with information on domestic violence, including how to access services.

Int. 1460 - in relation to creating a continuum of care steering committee to advise the department of homeless services, and to the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code of the city of New York, relating to the homeless services advisory board

Local Law 51 of 1993 first established DHS as a freestanding agency in the New York City Charter. In addition to creating the agency, Local Law 51 established a board to advise DHS on the "provision of facilities and services for homeless families and individuals," and an interagency coordinating council "to maximize cooperation in homeless assistance efforts that cross departmental jurisdictional boundaries."¹² Although DHS currently works with other City agencies to address some of the original goals of the 1993 law, including

¹ Department of Homeless Services, "Families with Children: Applying for Temporary Housing Assistance," available at <https://www1.nyc.gov/site/dhs/shelter/families/families-with-children-applying.page> (last visited Oct. 3, 2017).

² *Id.*

³ See Department of Homeless Services, *Welcome to PATH*, at 8 (on file with the Committee on General Welfare).

⁴ Local Law 37 of 2011 Temporary Housing Assistance Usage report (Aug. 2017)

http://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf.

⁵ DHS considers an adult family to be any family without minor children. NYC Dept of Homeless Services, Adult Families, <https://www1.nyc.gov/site/dhs/shelter/families/adult-families.page>.

⁶ *Id.*

⁷ DHS Daily Census, Oct. 12, 2017 (data as of Oct. 11, 2017), <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>.

⁸ Turning the Tide on Homelessness in New York City, <http://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf>.

⁹ In Aug. 2017, HRA's domestic violence shelters served 1,037 households at a given point-in-time during the month and 1,343 unduplicated households during the month. Local Law 37 of 2011 Temporary Housing Assistance Usage report (Aug. 2017)

http://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf.

¹⁰ N.Y. Soc. Serv. § 459-b. Emergency shelter is limited to 90 days with the possibility of two 45 day extensions for residents who continue to need emergency shelter.

¹¹ NYC Dept. of Homeless Services, Domestic Violence, <https://www1.nyc.gov/site/dhs/prevention/domestic-violence.page>.

¹² The Council, Report of the Human Services Division, Committee on General Welfare, Proposed Int. No. 682-A (June 13, 1993).

through more recent efforts to expand such collaborations as announced in the Administration's 90-day review of its homeless programs,¹³ the advisory board and coordinating council have not been meeting pursuant to the exact parameters of the 1993 Local Law.¹⁴ Proposed Int. 1460-A would update the requirements of such entities to conform to existing efforts, and add reporting requirements to establish greater transparency about the coordinating council's work.

Bill Analysis

Int. 622 – A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to educate homeless persons

After the first hearing on Proposed Int. 622-A, amendments were made to the legislation, including the following:

- The content of the information provided to shelter recipients was limited to information on domestic violence;
- The information does not need to be provided in any specific form, other than such information may be written or electronic; and
- A requirement was added to provide information on how to access domestic violence services.

Proposed Int. 622-A would require DHS to provide information to all new recipients of shelter on domestic violence. The legislation would require DHS to develop and distribute written or electronic materials containing information with respect to domestic violence. The information would be distributed to eligible homeless persons at an intake facility. Proposed Int. 622-A would define "intake facility" as the PATH center and the Adult Family Intake Center (AFIC), and any successor intake entities. At a minimum, the information would include the nature and proper reporting of domestic violence and information on how to access services. Proposed Int. 622-A would take effect 120 days after its enactment into law.

Int. 1460 – A Local Law to amend the administrative code of the city of New York, in relation to creating a continuum of care steering committee to advise the department of homeless services, and to the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code of the city of New York, relating to the homeless services advisory board

After the first hearing on Proposed Int. 1460-A, amendments were made to the legislation, including the following:

- Section 21-306 of the Administrative Code was repealed and new section 21-306 was added creating a continuum of care steering committee pursuant to existing requirements set by Federal law;
- Representatives from the New York City Housing Authority and the Mayor's Office to Combat Domestic Violence were removed as mandatory members of the interagency coordinating council, but are indicated that they may serve as members and the chairperson of the coordinating council must inform them of the ability to serve; and
- The chair of the Council's Committee on General Welfare was removed as a member of the interagency coordinating council.

Proposed Int. 1460-A would repeal the section 21-306 of the Administrative Code, which establishes an advisory board and would add a section creating a continuum of care steering committee responsible for

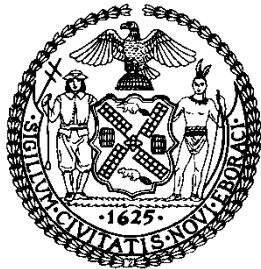
¹³ See "Review of Homeless Service Agencies and Programs," (April 11, 2016) for a discussion of the creation of the "Interagency Homelessness Accountability Council," <http://www1.nyc.gov/assets/home/downloads/pdf/reports/2016/90-day-homeless-services-review.pdf>.

¹⁴ See "Oversight: An Examination of the Department of Homeless Services 90-day Review," Transcript, pg. 29-30.

advising DHS on the implementation of the requirements of the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009. Proposed Int. 1460-A would require the steering committee to be created pursuant to Section 578.5 of Title 24 of the Code of Federal Regulations and would at a minimum include at least one member who is currently or formerly homeless. The bill would require members of the steering committee to be representative of the relevant organizations and of projects serving homeless subpopulations, and would require the members to serve without compensation. Proposed Int. 1460-A would require the steering committee to send its recommendations to the DHS Commissioner on a quarterly basis and would require the Commissioner to meet with the steering committee regularly.

Proposed Int. 1460-A would also amend Section 21-307 of the Administration Code, which establishes an interagency coordinating council. Section 21-307 currently requires representatives from the Department of Social Services/HRA, DHS and the Department of Housing Preservation and Development to sit on the coordinating council. The bill would add at least one representative from HRA who works in housing for individuals with HIV/AIDS, housing for victims of domestic violence, and supportive housing, and would also add representatives from the Department of Youth and Community Development, the Administration for Children’s Services, the Department of Education, and the Department of Health and Mental Hygiene as members of the coordinating council. Proposed Int. 1460-A would also indicate that representatives of the New York City Housing Authority and the Mayor’s Office to Combat Domestic Violence may service on the coordinating council, and would require the chairperson of the coordinating council to notify representatives of the agencies of their ability to serve. The bill would require the coordinating council to produce an annual report on its recommendations and submit such report to the Mayor and the Speaker of the Council, and to post such report on DHS’ website. The bill would require the reports to remain permanent accessible on DHS’ website. Proposed Int. 1460-A would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for Int. No. 622-A:)



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

PROPOSED INTRO. NO: 622-A

COMMITTEE: General Welfare

TITLE: To amend the administrative code of the city of New York, in relation to requiring the department of homeless services to educate homeless persons on domestic violence

SPONSOR: By Council Members Crowley, Eugene, Koo, Rose, Rosenthal, Menchaca, Cohen and Espinal.

SUMMARY OF LEGISLATION: Proposed Int. 622-A would require the Department of Homeless Services (DHS) to distribute information regarding domestic violence and related services to homeless people at the DHS intake facilities including Prevention Assistance and Temporary Housing Center (PATH), the family homelessness intake facility, and the Adult Family Intake Center (AFIC). At a minimum, the information would include the nature and proper reporting of domestic violence, as well as information on how to access services.

EFFECTIVE DATE: This local law would take effect 120 days after its enactment into law.

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

	Effective FY18	FY Succeeding Effective FY18	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DHS can source existing education and outreach material from the Mayor's Office to Combat Domestic Violence and the Human Resources Administration (HRA). Both agencies develop and distribute educational material that is used to educate New Yorkers regarding domestic violence and available services.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nameera Nuzhat, Finance Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 22, 2015 as Intro. No. 622 and was referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing held on April 20, 2017, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 622-A, will be voted on by the Committee at a hearing on October 16, 2017. Upon successful vote by the Committee, Proposed Intro. No. 622-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 10, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 622-A:)

Int. No. 622-A

By Council Members Crowley, Eugene, Koo, Rose, Rosenthal, Menchaca, Cohen and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to educate homeless persons on domestic violence

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-318 to read as follows:

§ 21-318 *Distribution of domestic violence education materials. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Domestic violence. The term “domestic violence” means any crime or violation, as defined in the penal law, alleged to have been committed by any family or household member against any member of the same family or household, as the term family or household member is defined in the social services law.

Intake facility. The term “intake facility” means the prevention assistance and temporary housing center and the adult family intake center, or any successor entities.

b. The department shall develop and distribute written or electronic materials containing information with respect to domestic violence. Such information shall be distributed to eligible homeless persons at an intake facility. At a minimum, such information shall include the nature and proper reporting of domestic violence, and shall include information on accessing relevant services.

§ 2. This local law takes effect 120 days after its enactment into law.

ANNABEL PALMA, *Acting Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, COREY D. JOHNSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, October 16, 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).

Report for Int. No. 1460-A

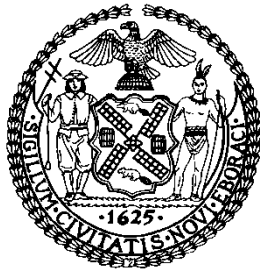
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating a continuum of care steering committee to advise the department of homeless services, and to the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code of the city of New York, relating to the homeless services advisory board.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on February 1, 2017 (Minutes, page 344), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1460-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1460-A:



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

PROPOSED INTRO. NO: 1460-A

COMMITTEE: General Welfare

TITLE: To amend the administrative code of the city of New York, in relation to creating a continuum of care steering committee to advise the department of homeless services, and to the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code of the city of New York, relating to the homeless services advisory board

SPONSOR(S): By Council Members Levin, Salamanca, Richards, Barron, Menchaca, Rosenthal, Cohen and Espinal.

SUMMARY OF LEGISLATION: Proposed Intro. 1460-A would eliminate the requirement that the Department of Homeless Services (DHS) have a homeless services advisory board and would require establishment of a continuum of care steering committee responsible for advising the Department of Homeless Services Commissioner on the implementation of the requirements of the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.

The bill would also add representatives of Department of Youth and Community Development, the Administration for Children's Services, the Department of Education and the Department of Health and Mental Hygiene to the interagency coordination council and would require the council to produce an annual report of recommendations to the Speaker and the Mayor beginning January 2018.

EFFECTIVE DATE: The legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the members of the steering committee shall serve without compensation. DHS can utilize existing resources to implement the other provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nameera Nuzhat, Finance Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eric Bernstein, Counsel
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 1, 2017 as Intro. No. 1460 and referred to the Committee on General Welfare (Committee). The Committee considered the legislation at a hearing held on April 20, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1460-A, will be voted on by the Committee at a hearing on October 16, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1460-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 10, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1460-A:)

Int. No. 1460-A

By Council Members Levin, Salamanca, Richards, Barron, Menchaca, Rosenthal, Cohen and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to creating a continuum of care steering committee to advise the department of homeless services, and to the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code of the city of New York, relating to the homeless services advisory board

Be it enacted by the Council as follows:

Section 1. Section 21-306 of the administrative code of the city of New York is REPEALED, and a new section 21-306 is added to read as follows:

§ 21-306 Continuum of care steering committee. There shall be a continuum of care steering committee, which shall be responsible for providing advice to the commissioner on implementation of the requirements of the homeless emergency assistance and rapid transition to housing act of 2009, codified in chapter 119 of title 42 of the United States code, and any regulations promulgated pursuant to such act. The steering committee shall be created pursuant to section 578.5 of title 24 of the code of federal regulations and shall at a minimum include at least one member who is currently or formerly homeless. The members of the steering committee shall be representative of the relevant organizations and of projects serving homeless subpopulations. The members of the steering committee shall serve without compensation. The steering committee shall submit its advice to the commissioner, or his or her designee, in person or in writing, on a quarterly basis. The commissioner, or his or her designee, shall meet with the steering committee regularly.

§ 2. Section 21-307 of the administrative code of the city of New York is amended to read as follows:

§ 21-307 Interagency coordinating council. a. There shall be an interagency coordinating council established by the mayor which shall consist of representatives of each city agency providing transitional housing or services to eligible homeless persons and other homeless individuals and families. Such interagency coordinating council shall include, but shall not be limited to, representatives of the department of homeless services, the department of social services/the human resources administration, including at least one representative who works in housing for individuals with HIV/AIDS, housing for victims of domestic violence, and supportive housing, the department of housing preservation and development, the department of youth and community development, the administration for children's services, the department of education, the department of health and mental hygiene, and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor to serve as chairperson of the interagency coordinating council. The commissioner of the department of homeless services shall provide appropriate personnel to assist the interagency coordinating council in the performance of its functions. Representatives of the New York city housing authority and of the office to combat domestic violence may serve on the interagency coordinating council, and the chairperson of the interagency coordinating council or his or her designee shall notify such agencies of their ability to serve.

b. The interagency coordinating council shall:

1. Not later than [October 1, 1995] *October 1, 2018*, and each year thereafter, prepare, in consultation with the office of management and budget, an annual breakdown of each member agency's expenditures for housing and services to the homeless in the adopted budget;
2. review the organization and operations of member agencies with respect to contracted service providers to the homeless, including service delivery, management and evaluation of performance;
3. recommend means by which the [duplication and] fragmentation of the provision of housing for, and delivery of services to, the homeless may be reduced and the efficiency, effectiveness and economy of service delivery may be enhanced;
4. consider proposals for the improvement of transitional and permanent housing programs and service delivery to the homeless; and
5. recommend to the mayor and the city council joint agency projects or programs which could facilitate more efficient use of existing resources.

c. The interagency coordinating council shall meet at least quarterly and shall hold at least one public hearing annually, at which public testimony shall be taken. A report on each such public hearing shall be submitted in writing to the speaker of the city council within ten days of the date on which such public hearing [shall have been] *was* held. Where the interagency coordinating council fails to hold such meetings or public hearings as required pursuant to this subdivision, a report shall be submitted in writing to the speaker of the city council including an explanation of the failure to hold such meetings or public hearings.

d. No later than January 1, 2018, and every January 1 thereafter, the interagency coordinating council shall submit an annual report to the speaker of the council and the mayor containing the interagency coordinating council's recommendations as developed pursuant to subdivision b of this section. Such report shall be posted on the department's website. The reports required pursuant to this section shall remain permanently available on the department's website.

§ 2. This local law takes effect immediately.

ANNABEL PALMA, *Acting Chairperson*; FERNANDO CABRERA, VANESSA L. GIBSON, COREY D. JOHNSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on General Welfare, October 16, 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).

Report of the Committee on Governmental Operations

Report for Int. No. 1517-A

Report of the Committee on Governmental Operation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the timing of a disclosure report for candidates for public office.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on March 16, 2017 (Minutes, page 819), respectfully

REPORTS:

INTRODUCTION

On October 16, 2017, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, will hold a second hearing and vote on Proposed Int. No. 1517-A, sponsored by Council Member Benjamin Kallos, in relation to the timing of a disclosure report for candidates for public office. The bill was previously heard by the committee on June 19, 2017.

BACKGROUND

The Conflicts of Interest Board ('COIB'), a local agency consisting of five members appointed by the Mayor with the advice and consent of the council¹ is charged with the responsibility to administer, enforce, and interpret Chapter 68 of the New York City Charter, the City's Conflicts of Interest Law, as well as responsibility to receive financial disclosure reports from certain persons.² Among its administrative tasks is also the issuing of rules concerning the filing of financial disclosure reports by public servants and candidates.³

While the financial disclosure reports required of public servants are to be filed annually,⁴ the financial disclosure reports required of candidates for City elected office are due "on or before the last day for filing his or her designating petitions pursuant to the election law."⁵ Designating petitions are a method for gaining ballot access and the NYS Election Law establishes the dates upon which designating petitions are due, setting them as no "earlier than the tenth Monday before, and not later than the ninth Thursday preceding the primary election."⁶ For 2017, this date was July 13.⁷ Until such date, the full universe of likely candidates is not easily known, since a potential candidate may choose to collect and file petitions at the last minute and a formerly declared candidate may choose not to file at all.

¹ NYC Charter §2602

² NYC Charter chapter 68 and NYC Administrative Code §12-110

³ NYC Charter §2603(d)(3)

⁴ NYC Administrative Code §12-110(b)(1)

⁵ NYC Administrative Code § 12-110(b)(2)

⁶ NYS Election Law §6-158(1)

⁷ <https://www.elections.ny.gov/NYSBOE/law/2017PoliticalCalendar.pdf>

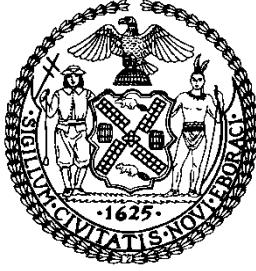
Yet, because of the overlap in the timing of these two deadlines – for candidates to file petitions and for candidates to file the required financial disclosure - by the time COIB discovers the list of candidates some of them may already be out of compliance with the requirement to file a disclosure report. Thus, under current law COIB cannot notify candidates in a timely manner of their obligation to file such disclosure report.

Experienced candidates, or candidates retaining election lawyers or compliance professionals, may be knowledgeable about the financial disclosure deadlines and so would not need a notification from COIB. New candidates, however, may lack such experience or the funds for experienced campaign staff. Consequently, there is a potential for such candidates to be disproportionately impacted and found out of compliance before they are ever notified of the requirement.

Proposed Int. No. 1517-A

Proposed Int. No. 1517-A would amend the date on which financial disclosure reports for candidates are due to 25 days after the last day for filing a designating or independent nominating petition. It would similarly provide a 25-day filing period for write-in candidates in primary elections and a 20-day filing period for candidates designated to fill a vacancy. The bill has been amended since its prior hearing, to change the length of time from 30 days in the prior version to 25 days and 20 days, as described above, in the current version. The law would take effect immediately.³

(The following is the text of the Fiscal Impact Statement for Int. No. 1517-A:)



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

PROPOSED INTRO. NO. 1517-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the timing of a disclosure report for candidates for public office
SPONSORS: Council Members Kallos and Gentile

SUMMARY OF LEGISLATION: This bill would extend the deadline for candidates for public office to file a disclosure report with the conflicts of interest board (COIB) to within 25 days after the last day for filing his or her petitions pursuant to the election law. The deadline for write-in candidates in a primary election to file a disclosure report with the COIB would be extended to 25 days after such primary election. The deadline for a person who has been designated to fill a vacancy in a nomination for office to file a disclosure report with the COIB would be extended to 20 days after a certificate designating such person to fill such vacancy is filed with the board of elections.

EFFECTIVE DATE: This local would take effect immediately.

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
 Conflicts of Interest Board

ESTIMATE PREPARED BY: Zachary Harris, 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. 1517 on March 16, 2017 and was referred to the Committee on Governmental Operations (Committee). The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1517-A, was heard by the Committee on June 19, 2017, and the legislation was laid over. Proposed Intro. No. 1517-A will be considered by the Committee on October 16, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1517-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 13, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1517-A:)

Int. No. 1517-A

By Council Member Kallos, Gentile and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to the timing of a disclosure report for candidates for public office

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 12-110 of the administrative code of the city of New York, subparagraph (a) as amended by local law number 58 for the year 2012 and subparagraphs (b), (c) and (d) as added by local law number 43 for the year 2003, is amended to read as follows:

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek a *designation or nomination* [or] *for election to an office described in paragraph one of this subdivision* and who has filed papers or petitions for a *designation or nomination* [or] *for election*, or on whose behalf a [declaration or nominating paper or petition] *certification of nomination or designating or independent nominating petition* has been [made or] filed which has not been declined, for an office described in paragraph one [of subdivision b of this section] shall file such report [on or before] *within 25 days after* the last day for filing his or her designating *or independent nominating* petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within [twenty] 25 days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in paragraph one of subdivision b of this section shall file such report within [fifteen] 20 days after a certificate designating such person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth [below] *in paragraph one of subdivision b of this section*, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

§ 2. This local law takes effect immediately.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, October 16, 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 Housing and Buildings

Report for Int. No. 336-B

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 reporting on inclusionary housing programs.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on Housing and Buildings on May 14, 2014 (Minutes, page 1668), respectfully

REPORTS:

Introduction

On October 16, 2017, the Committee on Housing and Buildings, chaired by Council Member Jumaane D. Williams will hold a hearing for the purposes of conducting votes on Proposed Int. No. 336-B, Proposed Int. No. 942-B, Proposed Int. No. 1404-A, Proposed Int. No. 1429-A, Proposed Int. No. 1437-A, Proposed Int. No. 1444-A and Proposed Int. No. 1645-A.

The Committee originally heard Int. No. 1404, Int. No. 1429, Int. No. 1437 and Int. No. 1444 on January 31, 2017 and received testimony from representatives of the Department of Buildings (DOB), the Department of Housing Preservation and Development (HPD), members of the real estate and construction industries, and other interested members of the public. More information about these bills and materials for those hearings can be accessed online at <http://goo.gl/xdoSUw>.

The Committee also heard Proposed Int. No. 336-A, Proposed Int. No. 942-A. and Int. No. 1645 on June 19, 2017 and heard from representatives of the Department of Housing Preservation and Development (HPD), housing advocates, legal service providers, members of the real estate industry, and other interested members of the public. More information about these bills and materials for those hearings can be accessed online at <http://goo.gl/MA9h3x>.

Proposed Legislation

Below is a brief summary of each of the pieces of legislation being voted on by the Committee at this hearing. These summaries are intended for informational purposes only and do not substitute for legal counsel. For more detailed information, you should review the full text of each bill, which is attached below.

Proposed Int. No. 336-B

This bill would require HPD to report on the amount and location of affordable housing provided through its inclusionary housing programs (including the mandatory inclusionary housing program). The report would also include certain information about the affordable housing, such as the amount and type of government financial assistance provided for such housing. This legislation takes effect immediately after it becomes law.

Proposed Int. No. 942-B

This bill would require HPD to provide housing development project information in a non-proprietary format that permits automated processing. Additionally, this legislation requires HPD to report to the Council on the completion dates, location, developer information, and the source, type and value of all city financial assistance and other financial assistance provided by the city for housing development projects. This legislation takes effect 180 days after it becomes law.

Proposed Int. No. 1404-A

This bill would increase the minimum civil penalties and fines for immediately hazardous and major violations of the site safety provisions of the New York City Building Code and the Administrative Code of the City of New York. This legislation takes effect 120 days after it becomes law.

Proposed Int. No. 1429-A

This bill would require that workers at construction sites receive pre-shift instructions, including a discussion of safety concerns regarding the tasks and activities to be performed during that shift. This legislation takes effect 180 days after it becomes law.

Proposed Int. No. 1437-A

This bill would increase the civil penalties for construction sites with excessive violations. This legislation takes effect on June 1, 2018 after it becomes law.

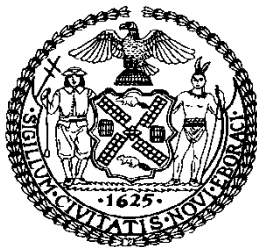
Proposed Int. No. 1444-A

This bill expands the requirement that workers at construction sites receive site-specific safety orientations and periodic refreshers. The legislation takes effect 180 days after it becomes law.

Proposed Int. No. 1645-A

This bill would require the Department of Housing Preservation and Development to produce an annual report on the affordable housing fund and the mandatory inclusionary housing developments that fund it. This legislation takes effect immediately after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 336-B:)



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

PROPOSED INTRO. NO: 336-B

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation reporting on inclusionary housing programs

SPONSORS: Council Members Lander, Chin, Gentile, Gibson, Johnson, Levin, Levine, Mendez, Reynoso, Richards, Rodriguez, Menchaca and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 336-B would require the Department of Housing Preservation and Development (HPD), in consultation with the Department of Buildings (DOB) and the Department of City Planning (DCP), to publish an interactive map and provide corresponding data on its website annually by September 1 of each year, that details information such as the location of sites in the mandatory inclusionary housing program, the source and type of financial assistance provided, the number of affordable housing units by household income, and the administering agent for each location.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 14, 2014, as Intro. No. 336 and was referred to the Committee on Housing and Buildings (Committee). The legislation was amended after introduction and a hearing was held by the Committee on the amended version, Proposed Intro. No. 336-A, on June 19, 2017, and the bill was laid over. The legislation was subsequently amended a second time, and this version, Proposed Intro. No. 336-B, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 11, 2017.

(For text of the remaining bills and their Fiscal Impact Statement, please see, respectively, the Reports of the Committee on Housing and Buildings for Int. Nos. 942-B, 1404-A, 1429-A, 1437-A, 1444-A, and 1645-A; for text of Int. No. 336-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 336-B, 942-B, 1404-A, 1429-A, 1437-A, 1444-A, and 1645-A.

(The following is the text of Int. No. 336-B:)

Int. No. 336-B

By Council Members Lander, Chin, Gentile, Gibson, Johnson, Levin, Levine, Mendez, Reynoso, Richards, Rodriguez, Menchaca, Rosenthal and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation reporting on inclusionary housing programs

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 17 to read as follows:

*CHAPTER 17
PERIODIC REPORTS ON INCLUSIONARY HOUSING PROGRAMS*

§ 26-1701 Definitions. a. Unless otherwise indicated, the following terms, as used in this chapter, shall have the meanings ascribed to such terms by the New York city zoning resolution: administering agent; affordable floor area; affordable housing unit; compensated development; generating site; inclusionary housing designated area; income band; MIH development; MIH site and zoning lot.

b. As used in this chapter, the term “department” means the department of housing preservation and development.

§ 26-1702 Annual report. No later than September 1 of each year, the department, in consultation with the department of buildings and the department of city planning, shall publish an interactive map on the department’s website and shall make the data used to compile such map publicly available in a form that permits automated processing and downloading. Such map shall indicate or provide a link to the following information for each zoning lot that contains a generating site, a compensated development, an MIH development or an MIH site:

- 1. Whether such lot contains a generating site, a compensated development, an MIH development or an MIH site;*
- 2. For each generating site, whether such site is located in a R10 district or within an inclusionary housing designated area;*
- 3. The address, block and lot number of such lot;*
- 4. The source and type of all financial assistance, including but not limited to grants, loans, subsidies, tax credits and tax exemptions or abatements, provided by any federal, state or local agency or instrumentality for the purpose of promoting the creation, preservation or rehabilitation of affordable floor area;*
- 5. The number of affordable housing units located at or provided in connection with such lot, disaggregated by income band;*
- 6. The administering agent for affordable housing units located at or provided in connection with such lot; and*

7. *If such lot contains a compensated development or an MIH development, the address, block and lot number of the generating site or MIH site for such lot.*

§ 2. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 942-B

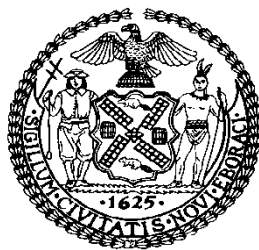
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing transparency regarding city financial assistance provided to developers.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 30, 2015 (Minutes, page 3594), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 942-B:



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

PROPOSED INTRO. NO: 942-B

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency regarding city financial assistance provided to developers

SPONSORS: Council Members Rodriguez, Chin, Gentile, Rose and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 942-B would require the Department of Housing Preservation and Development (HPD) to submit an annual report by October 31 of each year to the Council and the Mayor, and post the report on its website, that details information on housing development projects, including the project identifier, the address, the anticipated completion or actual completion date, and the name of the developer and contractor disaggregated by council district.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of the Department of Housing Preservation and Development may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 30, 2015, as Intro. No. 942 and was referred to the Committee on Housing and Buildings (Committee). The legislation was amended after introduction and a hearing was held by the Committee on the amended version, Proposed Intro. No. 942-A, on June 19, 2017, and the bill was laid over. The legislation was subsequently amended a second time, and this version, Proposed Intro. No. 942-B, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 11, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 942-B:)

Int. No. 942-B

By Council Members Rodriguez, Chin, Gentile, Rose, Rosenthal, Salamanca and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency regarding city financial assistance provided to developers

Be it enacted by the Council as follows:

Section 1. The opening paragraph of subdivision a of section 26-903 of the administrative code of the city of New York, as added by local law number 44 for the year 2012, is amended to read as follows:

a. For each housing development project, *the developer shall provide to the department, and the department shall make available on its website the following information in a non-proprietary format that permits automated processing:*

§ 2. Section 26-903 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. No later than October 31, 2018, and by October 31 in each year thereafter, the department shall submit to the mayor and, by electronic mail, the council, and shall publish online, a report on housing development projects. Such report shall include, at a minimum, the following information for each housing development project; provided that such report need not include any housing development project that was completed more than five years before the date of such report or where the developer was selected before the effective date of the local law that added this subdivision:

(1) the project identifier;

(2) the address;

(3) the anticipated completion date or the actual completion date for completed projects;

(4) the name of the developer and each contractor; and

(5) the information required by paragraph four of subdivision a of this section.

§ 3. This local law takes effect 180 days after it becomes law, except that commissioner of housing preservation and development may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 1404-A

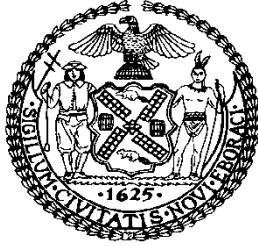
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to penalties for violations of site safety provisions of the construction codes

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on December 6, 2016 (Minutes, page 4117), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1404-A:



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

PROPOSED INTRO. NO: 1404-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to penalties for violations of site safety provisions of the construction codes

SPONSORS: Council Members Williams, Richards, Chin, Rosenthal, Reynoso, Crowley, Levin, Rose, Espinal, Menchaca, Cornegy and Kallos (by the request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: Proposed Intro. No. 1404-A would increase the minimum civil penalties for immediately hazardous violations of the site safety provisions of the New York City Building Code and the Administrative Code of the City of New York to not less than \$2,000 and not less than \$1,000 for major violations. In addition, the bill would increase the minimum fines for immediately hazardous violations to not less than \$2,000 and not less than \$1,000 for major violations.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the Commissioner of the Department of Housing Preservation and Development (HPD) may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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 any penalties in connection with violations of the New York City Building Code and the Administrative Code of the City of New York pursuant to 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, Principal Financial Analyst

ESTIMATED REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 6, 2016 as Intro. No. 1404 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1404-A, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 12, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1404-A:)

Int. No. 1404-A

By Council Members Williams, Richards, Chin, Rosenthal, Reynoso, Crowley, Levin, Rose, Espinal, Menchaca, Cornegy, Kallos, Dromm and Salamanca (by the request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to penalties for violations of site safety provisions of the construction codes

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 94 for the year 2017, is amended to read as follows:

§ 28-202.1 Civil penalties. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than \$25,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$1,000 for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.
2. For major violations, a civil penalty of not more than \$10,000 may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$250 for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.
3. For lesser violations, a civil penalty of not more than \$500 may be imposed for each violation.

Exceptions:

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a civil penalty for a violation involving such building if (i) notice of such violation is issued by the department during the 90-day period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster, and (ii) such violation is corrected on or before 40 days after such disaster period or such greater

- amount of time as determined by the commissioner for such violation. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster, as determined by the department.
2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a civil penalty for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is undergoing, or scheduled or under evaluation for, work or acquisition through a city-operated disaster recovery program responding to such disaster.
 3. The owner, lessee, occupant, manager or operator of a building shall not be subject to a civil penalty for a violation resulting from work done by a city employee, or by a third party under contract with the city, in response to a natural or man-made disaster, provided that such violation is corrected on or before 60 days after the issuance of such violation, or such greater amount of time as determined by the commissioner for such violation. If such owner, lessee, occupant, manager or operator of a building can demonstrate to the satisfaction of the department that a city employee or third party under contract with the city has committed to correcting such violation then such violation shall be rescinded, without penalty. The notice of such violation shall state that such violation is subject to this exception and shall set forth the procedure and time period for correcting such violation without incurring a civil penalty. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.
 4. The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.
 5. For a violation of section 28-210.1:
 - 5.1. Unless exception 5.2 applies, the minimum civil penalty for a violation of section 28-210.1 in any building involving the illegal conversion, maintenance or occupancy of three or more dwelling units above the number of dwelling units that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall be \$15,000. Each dwelling unit above the number that is legally authorized by the certificate of occupancy or if no certificate of occupancy is required as evidenced by official records shall constitute a separate offense that shall be charged separately and shall be punishable by a separate civil penalty. Provided, however, that the penalties for multiple violations of this exception may be based on the same evidence; and
 - 5.2. The owner of a building shall not be subject to a civil penalty for a violation of section 28-210.1 in such building if such owner can show the following:
 - 5.2.1. Such violation was the first such violation issued for such building or was issued within 30 days after such first violation;
 - 5.2.2. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, a registration for such building has been properly filed with the department of housing preservation and development in accordance with article two of subchapter 4 of the housing maintenance code; and

5.2.3. At the time such violation was issued or, if such violation was issued within 30 days after such first violation was issued, the time such first violation was issued, such owner reasonably did not know of, or could not reasonably have known of such illegal conversion, the maintenance thereof or occupancy thereof and takes lawful immediate and diligent steps to cure said violation.

6. *For violations of article 110 of this chapter or chapter 33 of the New York city building code:*

6.1. *The minimum civil penalty for an immediately hazardous violation of such article or chapter shall be \$2,000, in addition to any separate daily penalty imposed pursuant to item 1 of this section; and*

6.2. *The minimum civil penalty for a major violation of such article or chapter shall be \$1,000, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.*

§ 2. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§28-203.1 Criminal fines and imprisonment. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by criminal fines and imprisonment within the ranges set forth below:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by (i) a fine of not more than [twenty-five thousand dollars] \$25,000.
2. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a major violation shall be guilty of a violation punishable by a fine of not more than [ten thousand dollars] \$10,000, or imprisonment for not more than 15 days or both such fine and imprisonment.
3. Every person convicted of violating a provision of this code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a lesser violation shall be guilty of a violation punishable by a fine of not more than [five hundred dollars] \$500.

Exceptions:

1. The owner, lessee, occupant, manager or operator of a building affected by a natural or man-made disaster, as determined by the commissioner, shall not be subject to a criminal fine or imprisonment if notice of such violation was issued during the 90-day-period immediately after such disaster or, in the case of a major natural or man-made disaster as determined by the commissioner, during the six-month period immediately after such disaster. This exception shall not apply to immediately hazardous violations, violations charged as aggravated violations or violations without connection to such disaster.
2. The owner, lessee, occupant, manager or operator of a building where a violation occurs shall not be subject to a criminal fine or imprisonment for such violation if (i) such violation was connected to a natural or man-made disaster, as determined by the commissioner, and (ii) such building is

- undergoing, or scheduled or under evaluation for, work or acquisition through a city operated disaster recovery program responding to such disaster.
3. The owner, lessee, manager or operator of a building shall not be subject to criminal fines or imprisonment for a violation resulting from work done by a city employee or third party under contract with the city, in response to a natural or man-made disaster. This exception shall not apply to immediately hazardous violations or violations charged as aggravated violations.
 4. *The minimum fine for an immediately hazardous violation of article 110 of this chapter or chapter 33 of the New York city building code shall be \$2,000.*
 5. *The minimum fine for a major violation of article 110 of this chapter or chapter 33 of the New York city building code shall be \$1,000.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 1429-A

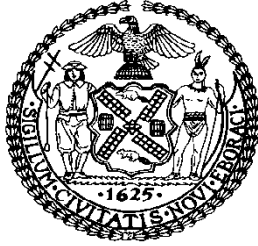
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to requiring pre-shift safety meetings for workers at construction sites.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 177), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1429-A:



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

PROPOSED INTRO. NO: 1429-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to requiring pre-shift safety meetings for workers at construction sites

SPONSORS: Council Members Ferreras-Copeland, Crowley, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Menchaca, Chin, Kallos and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. 1429-A would require that workers at major construction sites take part in a safety meeting and receive task-specific instructions at the beginning of every shift (before the worker commences any construction or demolition work), including specific safety concerns or risks associated with fulfilling such tasks and activities. In addition, the bill would require a recordkeeping of all pre-shift safety meetings be maintained and kept at each construction site.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of the Department of Buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017, as Intro. No. 1429 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1429-A, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 11, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1429-A:)

Int. No. 1429-A

By Council Members Ferreras-Copeland, Crowley, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Menchaca, Chin, Kallos, Rosenthal, Dromm and Salamanca.

A Local Law to amend the New York city building code, in relation to requiring pre-shift safety meetings for workers at construction sites

Be it enacted by the Council as follows:

Section 1. Chapter 33 of the New York city building code is amended to add a new section 3301.12, to read as follows:

3301.12 Pre-shift safety meetings. *Each permit holder at a site that requires a site safety manager, site safety coordinator, or construction superintendent shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder takes part in a safety meeting at the beginning of such worker's shift, but before such worker commences any construction or demolition work in such shift, in accordance with the requirements of Sections 3301.12.1 through 3301.12.3.*

Exception: *Where other sections of this code or rules promulgated thereunder specify pre-task or pre-shift meetings for specific types of work, those requirements shall instead apply.*

3301.12.1 Pre-shift safety meeting to be conducted by a competent person. *Pre-shift safety meetings shall be conducted at the beginning of each worker's shift, but before such worker commences any construction or demolition work in such shift, by a competent person designated by the permit holder, or where so authorized by the permit holder, by a competent person designated by the subcontractor. Such competent person shall have the ability to communicate with each worker who takes part in such meeting.*

3301.12.2 Pre-shift safety meeting content. *The pre-shift safety meeting shall include a review of activities and tasks to be performed during the shift, including specific safety concerns or risks associated with fulfilling such work.*

3301.12.3 Records. *The permit holder shall maintain, for each worker, a record of one pre-shift safety meeting per week. Such record shall include for each such meeting:*

1. *The date and time of each such meeting;*
2. *The name, title and company affiliation of each worker who participated; and*

3. *The name, title and company affiliation of the competent person who conducted such meeting, along with such person's signature.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 1437-A

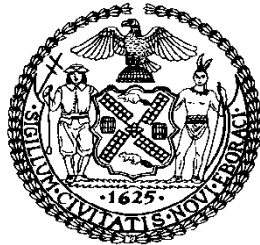
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalties for construction sites with excessive violations

The Committee on Housing and Building, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 197), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1437-A:



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

PROPOSED INTRO. NO: 1437-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalties for construction sites with excessive violations

SPONSORS: Council Members Menchaca, Crowley, Salamanca, Gentile, Rosenthal, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Chin and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. No. 1437-A would double the civil penalties for major construction sites, construction work on a one-, two- or three-family buildings, and other construction sites with a violation ratio equal to or greater than 19 percent. The legislation would exempt sites that are the subject of an in rem foreclosure judgment in favor of the City and that were transferred to a third party pursuant to the Administrative Code, sites subject to the Article 7A management program and rehabilitation projects financed through the New York City Department of Housing Preservation and Development (HPD) or the New York City Housing Development Corporation (HDC).

EFFECTIVE DATE: This local law would take effect on June 1, 2018, except that the Commissioner of the Department of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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 DOB to implement the provisions of this local law and non-City entities would bear the costs of any penalties in connection with excessive violations pursuant to 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, Principal Financial Analyst

ESTIMATED REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017 as Intro. No. 1437 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1437-A, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 12, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1437-A:)

Int. No. 1437-A

By Council Members Menchaca, Crowley, Salamanca, Gentile, Rosenthal, Rose, Reynoso, Levin, Espinal, Cornegy, Richards, Chin, Kallos and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalties for construction sites with excessive violations

Be it enacted by the Council as follows:

Section 1. Article 202 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-202.3 to read as follows:

§ 28-202.3 Increased civil penalties for construction sites with excessive violations. *Subject to the limitations of section 28-202.1, for any violation of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department issued to a person who has an existing immediately hazardous or major violation with respect to the construction site for which the violation is being issued, that occurs at a construction site with a violation ratio, at the time of the issuance of such violation, that exceeds the threshold violation ratio for such site, the civil penalty imposed shall be at least twice the civil penalty that would be imposed if such site were not subject to this section 28-202.3. This section 28-202.3 shall have no effect on additional monthly or daily penalties imposed pursuant to section 28-202.1.*

Exceptions:

- 1. Sites that are the subject of an in rem foreclosure judgment in favor of the city and were transferred by the city to a third party pursuant to section 11-412.1 of the code.*
- 2. Sites that are the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*
- 3. Sites that are the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation.*

§ 28-202.3.1 Definitions. *The following words and terms shall, for the purposes of section 28-202.3, have the meanings shown herein.*

THRESHOLD VIOLATION RATIO. *For a major building site, the ninetieth percentile of violation ratios for major building sites in the city as of December 31 of the immediately preceding calendar year. For a construction site that only involves work on a one-, two- or three-family building, the ninetieth percentile of violation ratios for construction sites that only involve work on a one-, two- or three-family building in the city as of December 31 of the immediately preceding calendar year. For a construction site that is not a major building site and that does not only involve work on a one-, two- or three-family building, the ninetieth percentile of violation ratios for construction sites that are not major building sites and that do not only involve work on a one-, two- or three-family building in the city as of December 31 of the immediately preceding calendar year.*

VIOLATION RATIO. *With respect to a construction site, (i) the number of immediately hazardous violations and major violations issued against such site in the preceding 12 months, excluding any violations that have been dismissed or that are currently in the appeals process, divided by the square footage of the footprint of such site or (ii) an alternative ratio established by department rule and that the department determines is appropriate for identifying construction sites with high rates of immediately hazardous violations, major violations or unsafe conditions for the purposes of this section 28-202.3, provided that such rule is promulgated on or after January 1, 2020.*

§ 2. This local law takes effect on June 1, 2018, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 1444-A

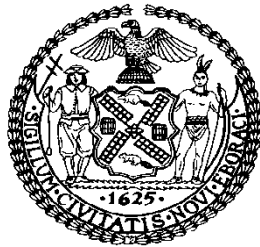
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to requiring site-specific safety orientations for workers at construction sites.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 18, 2017 (Minutes, page 208), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1444-A:



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

PROPOSED INTRO. NO: 1444-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to requiring site-specific safety orientations for workers at construction sites

SPONSORS: Council Members Treyger, Crowley, Miller, Salamanca, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin, Kallos, Cohen, Vallone and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 1444-A would require that workers at major construction sites receive a site-specific safety orientation prior to the commencement of any construction or demolition work. In addition, the bill would require a site-safety refresher after one-year for workers at each site. Orientations and refreshers would include a review of safety procedures at the site and any hazardous activities to be performed at the site. Lastly, the bill would require a recordkeeping of all safety orientations be maintained and kept at each construction site.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of the Department of Buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB and non-City entities to implement the provisions of this local law. Additionally, though the legislation does not mandate the production or dissemination of construction safety materials, it is anticipated that non-City entities would bear any costs of producing such information.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Eric Bernstein, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 18, 2017, as Intro. No. 1444 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 31, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1444-A, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 12, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1444-A:)

Int. No. 1444-A

By Council Members Treyger, Crowley, Miller, Salamanca, Rose, Reynoso, Levin, Espinal, Menchaca, Cornegy, Richards, Chin, Kallos, Cohen, Vallone, Rosenthal and Dromm.

A Local Law to amend the New York city building code, in relation to requiring site-specific safety orientations for workers at construction sites

Be it enacted by the Council as follows:

Section 1. Chapter 33 of the New York city building code is amended to add a new section 3301.11, to read as follows:

3301.11 Site safety orientation and refresher. *Each permit holder at a site that requires a site safety manager, site safety coordinator, or construction superintendent shall ensure that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder receives a site safety orientation and refresher in accordance with the requirements of Sections 3301.11.1 through 3301.11.5.*

3301.11.1 Site safety orientation. *Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety orientation before such worker commences any construction or demolition work at such site.*

3301.11.2 Site safety refresher. *Each worker employed or otherwise engaged at such site by the permit holder or performing subcontracted work for or on behalf of such permit holder shall receive a site safety refresher if such worker (i) has performed construction or demolition work at such site for one year or more and (ii) one year or more has elapsed since such worker received a site safety orientation or refresher with respect to such site.*

3301.11.3 Site safety orientation and refresher to be conducted by qualified person. *Site safety orientations and refreshers required by this section shall be conducted by a qualified person designated by the permit holder. Such qualified person shall have the ability to communicate with each worker who takes part in such orientation or refresher.*

3301.11.4 Site safety orientation and refresher content. *Site safety orientations and refreshers required by this section shall include a review of safety procedures at such site and any hazardous activities to be performed at such site.*

3301.11.5 Records. *A record of all orientations conducted for the site shall be maintained by the permit holder and kept at the site. Such record shall include for each such orientation or refresher:*

- 1. The date and time of such orientation or refresher;*
- 2. The name, title and company affiliations of each worker who participated; and*
- 3. The name, title and company affiliation of the qualified person who conducted such orientation or refresher, along with such person's signature.*

§ 2. Section 3310.10.1 of Chapter 33 of the New York city building code is amended to read as follows:

3310.10.1 Orientation. [All workers employed at a major building site shall receive a site-specific safety orientation program. This program shall include a review of any hazardous activities of the job that are relevant to the tasks and activities to be performed. All workers must attend such a program no later than seven days after commencing their employment at the site.] *The requirements of Section 3301.11 shall apply.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 1645-A

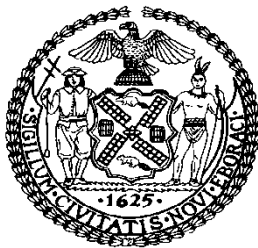
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to contributions to and expenditures from the mandatory inclusionary housing affordable housing fund.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 6, 2017 (Minutes, page 1885), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 336-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1645-A:



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

PROPOSED INTRO. NO: 1645-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to contributions to and expenditures from the mandatory inclusionary housing affordable housing fund

SPONSORS: Council Members Richards, Gentile and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 1645-A would require the Department of Housing Preservation and Development (HPD) to publish online an annual report by September 30 of each year that details information on contributions to and expenditures from the affordable housing fund. Such information would include the name of the owner of each zoning lot, the address, block and lot number, the total number of dwelling units located at such lot, in lieu fees associated with affordable floor area, and the total amount of contributions made in connection with each corresponding zoning lot.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 6, 2017 as Intro. No. 1645 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on June 19, 2017, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1645-A, will be considered by the Committee on October 16, 2017. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 11, 2017.

Accordingly, this Committee recommends its adoption, as amended.

Int. No. 1645-A

By Council Members Richards, Gentile, Rosenthal, Salamanca and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to contributions to and expenditures from the mandatory inclusionary housing affordable housing fund

Be it enacted by the Council as follows:

Section 1. Section 26-1701 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to reporting on inclusionary housing programs, as proposed in introduction number 336-B, is amended to read as follows:

§ 26-1701 Definitions. a. Unless otherwise indicated, the following terms, as used in this chapter, shall have the meanings ascribed to such terms by the New York city zoning resolution: administering agent; affordable floor area; *affordable housing fund*; affordable housing unit; compensated development; *dwelling unit*; generating site; inclusionary housing designated area; income band; MIH development; MIH site and zoning lot.

§ 2. Chapter 17 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-1703 to read as follows:

§ 26-1703 *Reporting on affordable housing fund. On or before September 30, 2018, and annually thereafter, the department shall publish on the department's website a report on contributions to and expenditures from the affordable housing fund. The information in such report shall be indexed by borough and community district and shall include the total amount of money in such fund available for exclusive use in each community district and for use in each borough without regard to community district. Such report shall include, at a minimum, the following information about each zoning lot for which a contribution is made to such fund: (i) the name of the owner of such lot; (ii) the address, block and lot number; (iii) the total number of dwelling units located at such lot; (iv) the amount of affordable floor area that would otherwise be required at such lot in lieu of such contribution pursuant to section 23-154 of the New York city zoning resolution; and (v) the total amount of contributions made in connection with such lot.*

§ 3. This local law takes effect immediately.

JUMAANE D. WILLIAMS, *Chairperson*; YDANIS A. RODRIGUEZ, RAFAEL L. ESPINAL, Jr., MARK LEVINE, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ERIC A. ULRICH; Committee on Housing and Buildings, October 16, 2017. *Other Council Members Attending: Council Members Cabrera.*

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. 747

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170311 ZMX submitted by New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, changing an M2-1 District to an R7-2 District, establishing within the proposed R7-2 District a C2-5 District 3, and establishing a Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 747 & Res. No. 1692 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 748

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170312 ZRX submitted by New York City Economic Development Corporation 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 VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 748 & Res. No. 1693 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 749

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170314 PPX submitted by the New York City Department of Citywide Administrative Services pursuant to Section 197-c of New York City Charter, for the disposition of five city-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 749 & Res. No. 1694 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 750

Report of the Committee on Land Use in favor of approving, as modified, Application No. 170315 ZSX submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), within the Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3163), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 750 & Res. No. 1695 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 752

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 170377 ZMX submitted by 1675 JV Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d, changing an R6 District to an R8A District and establishing within the proposed R8A District a C2-4 District on property located on Westchester Avenue between Metcalf and Fteley Avenues, 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 September 7, 2017 (Minutes, page 3163), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 752 & Res. No. 1696 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 753

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 170378ZRX submitted by 1675 JV 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 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 September 7, 2017 (Minutes, page 3164), respectfully

REPORTS:

(For updated text of report, please see the Report of the Committee on Land Use for L.U. No. 753 & Res. No. 1697 printed in the General Order Calendar section of this section)

Accordingly, this Committee recommends its adoption, as modified.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 757

Report of the Committee on Land Use in favor of approving Application No. C 170180(A) ZMQ submitted by Stemmax Realty Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property bounded by a line 125 feet northerly of 35th Avenue, Linden Place, 35th Avenue, and Farrington Street, Borough of Queens, Community District 7, Council District 20.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on September 27, 2017 (Minutes, Page 3372) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 7****C 170180(A) ZMQ**

City Planning Commission decision approving an application submitted by Stemmax Realty Inc. pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property bounded by a line 150 feet northerly of

35th Avenue, Linden Place, 35th Avenue, and Farrington Street, as shown on a diagram (for illustrative purposes only) dated July 12, 2017 and subject to the conditions of CEQR Declaration E-424.

INTENT

To approve an amendment to the Zoning Map, which in conjunction with the related action would facilitate a mixed-use development on a portion of a block located in the Flushing neighborhood of Queens, in Community District 7.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

Williams

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

Williams

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

Res. No. 1685

Resolution approving the decision of the City Planning Commission on ULURP No. C 170180 (A) ZMQ, a Zoning Map amendment (L.U. No. 757).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on September 12, 2017 its decision dated September 6, 2017 (the "Decision"), on the application submitted by Stemmax Realty Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District, which in conjunction with the related action would facilitate a mixed-use development on a portion of a block located in the Flushing neighborhood of Queens Community District 7, (ULURP No. C 170180(A) ZMQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to application N 170181 ZRQ (L.U. No. 758), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) 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 September 25, 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 July 24, 2017 (CEQR No. 17DCP143Q), which included (E) designations to avoid the potential for significant adverse impacts related to air quality and noise (E-424) (the "Revised Negative Declaration") and the Technical Memorandum issued September 1, 2017 (the "Technical Memorandum");

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 and the Technical Memorandum.

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 170180(A) ZMQ, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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 10a, changing from an M1-1 District to an R7A District property bounded by a line 125 feet northerly of 35th Avenue, Linden Place, 35th Avenue, and Farrington Street, as shown on a diagram (for illustrative purposes only) dated July 12, 2017, modified by the City Planning Commission on September 6, 2017, and subject to the conditions of CEQR Declaration E-424, Community District 7, Borough of Queens.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 758

Report of the Committee on Land Use in favor of approving Application No. N 170181 ZRQ submitted by Stemmax Realty Inc. 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, Borough of Queens, Community District 7, Council District 20.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on September 27, 2017 (Minutes, page 3372) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 7****N 170181 ZRQ**

City Planning Commission decision approving an application submitted by Stemmax Realty Inc. 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 an amendment to the Zoning Resolution, which in conjunction with the related action would facilitate a mixed-use development on a portion of a block located in the Flushing neighborhood of Queens, in Community District 7.

PUBLIC HEARING**DATE:** September 25, 2017**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 10, 2017

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

In Favor:

Richards, Gentile, Garodnick, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

Williams

COMMITTEE ACTION**DATE:** October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

Williams

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

Res. No. 1686

Resolution approving the decision of the City Planning Commission on Application No. N 170181 ZRQ, 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 7, Borough of Queens (L.U. No. 758).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on September 12, 2017 its decision dated September 6, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Stemmax Realty Inc., 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, which in conjunction with the related action would facilitate a mixed-use development on a portion of a block located in the Flushing neighborhood of Queens Community District 7, (Application No. N 170181 ZRQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the Application is related to application C 170180 (A) ZMQ (L.U. No. 757), a zoning map amendment to change an M1-1 District to an R7A 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 September 25, 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 July 24, 2017 (CEQR No. 17DCP143Q), which included (E) designations to avoid the potential for significant adverse impacts related to air quality and noise (E-424) (the "Revised Negative Declaration") and the Technical Memorandum issued September 1, 2017 (the "Technical Memorandum");

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 and Technical Memorandum.

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

170181 ZRX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ 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

* * *

Queens

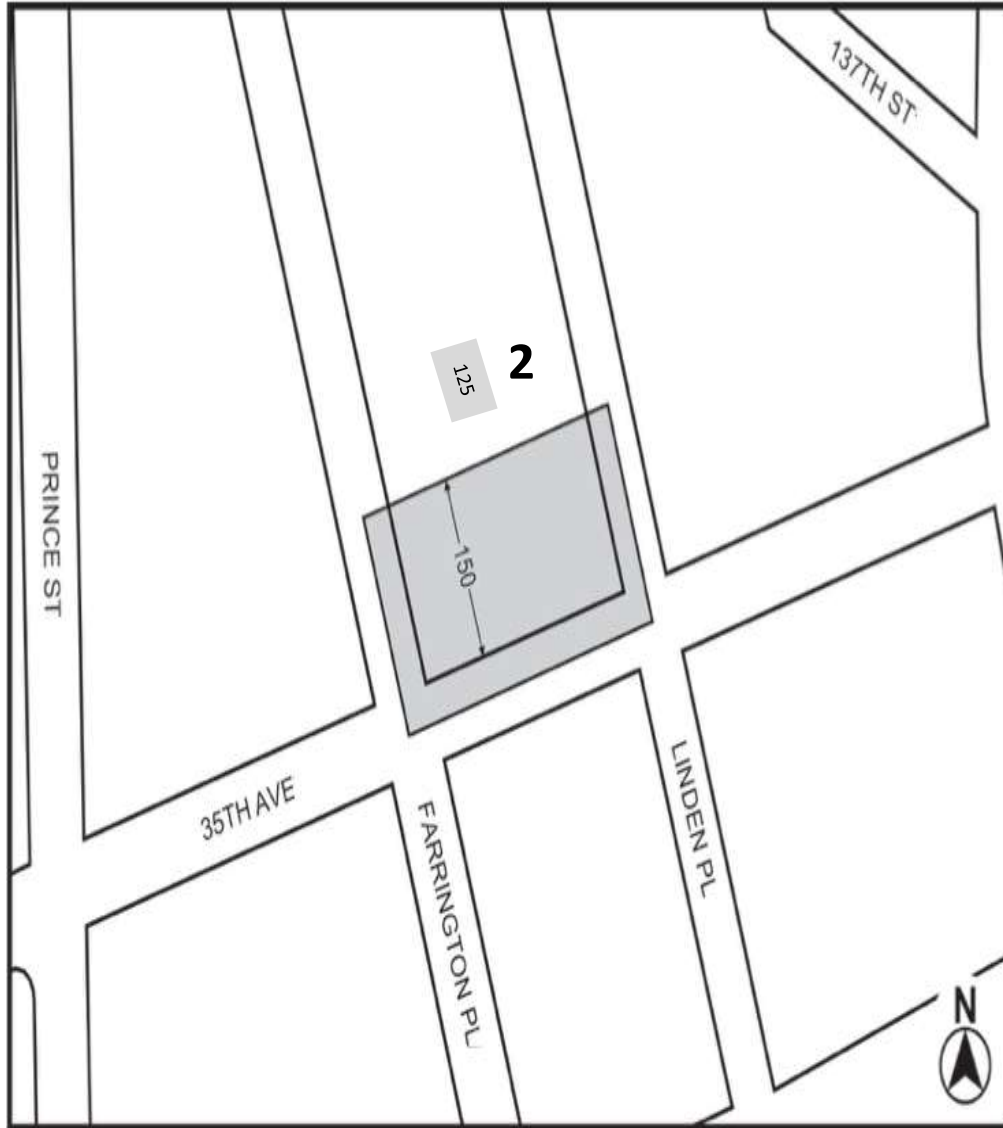
* * *


Queens Community District 7

In the R7A and R7X Districts within the areas shown on the following Maps 1 and 2:

* * *

Map 2 – [date of adoption]



 Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 2 [date of adoption] – MIH Program Option 2

Portion of Community District 7, Queens

* * *

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 763

Report of the Committee on Land Use in favor of approving, as modified, Application No. 20185034 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Francisco & Francisco Inc., d/b/a Pop and Pour, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 200 Dyckman Street, Borough of Manhattan, Community Board 12, Council District 10. 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 preconsidered Land Use item was referred on September 27, 2017 (Minutes, page 3373) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20185034 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Francisco & Francisco, Inc., d/b/a Pop and Pour, for a new revocable consent to maintain and operate an unenclosed sidewalk café located at 200 Dyckman Street FRNT 8.

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: October 10, 2017

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

The Subcommittee recommends that the Land Use Committee approve the Petition with modifications.

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None.

Abstain:

None.

COMMITTEE ACTION**DATE:** October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None.

Abstain:

None.

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

Res. No. 1687

Resolution approving with modifications the petition for a new revocable consent for an unenclosed sidewalk café located at 200 Dyckman Street FRNT 8, Borough of Manhattan (Non-ULURP No. 20185034 TCM; L.U. No. 763).

By Council Members Greenfield and Richards.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 8, 2017 its approval dated September 7, 2017 of the petition of Francisco & Francisco, Inc., for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 200 Dyckman Street FRNT 8, Community District 12, 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, upon due notice, the Council held a public hearing on the Petition on October 10, 2017;

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

WHEREAS, the Petition includes plans that inaccurately describe the proposed unenclosed café area as 13 feet 6 inches wide, when such area is actually 10 feet wide; and

WHEREAS, the number of tables and chairs proposed at the dimensions proposed will not fit within such 10 foot wide area; and

WHEREAS, the sidewalk is heavily trafficked by pedestrians and is close to a subway station entrance; and

WHEREAS, the twelve (12) and twenty-four (24) chairs proposed has the potential to impede pedestrian movement;

RESOLVED:

Pursuant to Section 20-226(f) of the Administrative Code, the Council approves the Petition with modifications as follows:

Such sidewalk café shall consist of no more than six (6) tables and twelve (12) chairs. All such tables and chairs shall be arranged between the service aisle and the building wall, and in the aggregate shall occupy an area not more than 6 feet 4 inches from the building wall and not more than 10 feet wide.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

Approved with Modifications and Coupled on GO.

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. 771

Report of the Committee on Land Use in favor of approving Application No. C 170336 ZMQ submitted by Northeastern Towers Annex LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 18c and 19a, changing from an R3X District to an R6 District property in the vicinity of Guy R. Brewer Boulevard and 132nd Avenue, Borough of Queens, Community Board 12, Council District 28.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on October 17, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 12****C 170336 ZMQ**

City Planning Commission decision approving an application submitted by Northeastern Towers Annex LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 18c and 19a, by changing from an R3X District to an R6 District property bounded by a line perpendicular to the southwesterly street line of Guy R. Brewer Boulevard distant 350 feet northwesterly (as measured along the Street line) from the point of intersection of the northwesterly street line of 132nd Avenue and the southwesterly street line of Guy R. Brewer Boulevard, Guy R. Brewer Boulevard, 132nd Avenue, 161st Street, a line 295 feet northwesterly of 132nd Avenue, a line 135 feet northeasterly of 161st Street, and a line 355 feet northwesterly of 132nd Avenue and subject to the conditions of CEQR Declaration E-426.

INTENT

To approve an amendment to the Zoning Map, which in conjunction with the related action would facilitate development of a new 10-story, Affordable Independent Residence for Seniors (AIRS), building with approximately 147 units at 131-10 Guy R. Brewer Boulevard (Block 12277, Lot 1) in the Springfield Gardens neighborhood of Queens Community District 12.

PUBLIC HEARING

DATE: October 10, 2017

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos,, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1688

Resolution approving the decision of the City Planning Commission on ULURP No. C 170336 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 771).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on September 29, 2017 its decision dated September 6, 2017 (the "Decision"), on the application submitted by Northeastern Towers Annex, LP, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 18c and 19a, changing an R3X District to an R6 District, which in conjunction with the related action would facilitate development of a new 10-story, Affordable Independent Residence for Seniors (AIRS), building with approximately 147 units at 131-10 Guy R. Brewer Boulevard (Block 12277, Lot 1) in the Springfield Gardens neighborhood of Queens, (ULURP No. C 170336 ZMQ), Community District 12, Borough of Queens (the "Application");

WHEREAS, the Application is related to application N 170337 ZRQ (L.U. No. ____), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) 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 October 10, 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 May 22, 2017 (CEQR No. 17DCP161Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-426) (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 170336 ZMQ, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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 Nos. 18c and 19a, changing from an R3X District to an R6 District property bounded by a line perpendicular to the southwesterly street line of Guy R. Brewer Boulevard distant 350 feet northwesterly (as measured along the Street line) from the point of intersection of the northwesterly street line of 132nd Avenue and the southwesterly street line of Guy R. Brewer Boulevard, Guy R. Brewer Boulevard, 132nd Avenue, 161st Street, a line 295 feet northwesterly of 132nd Avenue, a line 135 feet northeasterly of 161st Street, and a line 355 feet northwesterly of 132nd Avenue, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-426, Community District 12, Borough of Queens.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 772

Report of the Committee on Land Use in favor of approving Application No. N 170337 ZRQ submitted by Northeastern Towers Annex LP 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, Borough of Queens, Community District 12, Council District 28.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on October 17, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 12

N 170337 ZRQ

City Planning Commission decision approving an application submitted by Northeastern Towers Annex LP 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 an amendment to the text of the Zoning Resolution, which in conjunction with the related action would facilitate development of a new 10-story, Affordable Independent Residence for Seniors (AIRS), building with approximately 147 units at 131-10 Guy R. Brewer Boulevard (Block 12277, Lot 1) in the Springfield Gardens neighborhood of Queens Community District 12.

PUBLIC HEARING

DATE: October 10, 2017

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torre, Treyger, Grodenchik, Salamanca.

Against: **Abstain:**
None None

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

Res. No. 1689

Resolution approving the decision of the City Planning Commission on Application No. N 170337 ZRQ, 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 12, Borough of Queens (Preconsidered L.U. No. 772).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on September 29, 2017 its decision dated September 6, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Northeastern Towers Annex, LP, 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, which in conjunction with the related action would facilitate development of a new 10-story, Affordable Independent Residence for Seniors (AIRS), building with approximately 147 units at 131-10 Guy R. Brewer Boulevard (Block 12277, Lot 1) in the Springfield Gardens neighborhood of Queens, (Application No. N 170337 ZRQ), Community District 12, Borough of Queens (the "Application");

WHEREAS, the Application is related to application C 170336 ZMQ (L.U. No. ____), a zoning map amendment to change an R3X District to an R6 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 October 10, 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 May 22, 2017 (CEQR No. 17DCP161Q), which includes an (E) designation to avoid the

potential for significant adverse impacts related to hazardous materials, air quality and noise (E-426) (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 170337 ZRQ, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added;

Matter in ~~strikeout~~ 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

* * *

Queens

* * *

Queens Community District 12

* * *

In the R6 District within the area shown on the following Map 2:

Map 2 – (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 12, Queens

* * *

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 783

Report of the Committee on Land Use in favor of approving, as modified, Application No. 20185071 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at 1675 Westchester Avenue (Block: 3780, Lots: 1,51), Borough of the Bronx, Community Board 9, Council District 18.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on October 17, 2017 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 9

20185071 HAX

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at Block 3780, Lots 1 and 51, Borough of the Bronx, Community District 9, Council District 18.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for an exemption area that contains one multiple dwelling which will provide rental housing for low income families.

PUBLIC HEARING

DATE: October 10, 2017

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** October 10, 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, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None.

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

Res. No. 1690

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3780, Lots 1 and 51, Borough of the Bronx, (Preconsidered L.U. No. 783; Non-ULURP No. 20185071 HAX).

By Council Members Greenfield and Salamanca.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October __, 2017 its request dated October __, 2017 that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 3780, Lots 1 and 51, Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 10, 2017;

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

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. “Company” shall mean 1675 Associates, 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 3780, Lots 1 and 51 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 1675 Westchester Avenue Housing Development Fund Corporation 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 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) 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 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*; 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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

Approved with Modifications and Coupled on GO.

Report of the Committee on Public Safety

Report for Int. No. 1569-A

Report of the Committee on Public Safety 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 disorderly behavior.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on April 25, 2017 (Minutes, page 1143), respectfully

REPORTS:

I. INTRODUCTION

On October 16, 2017 the Committee on Public Safety, chaired by Council Member Vanessa Gibson, will hold a vote on Int. No. 1569-A, a local law to amend the administrative code of the City of New York, in relation to prohibiting disorderly conduct. The Committee previously held a hearing on Proposed Int. No. 1569 on April 26, 2017 where members of the NYPD and the public provided testimony.

II. BACKGROUND

There are three basic levels of offenses in New York that are handled through the criminal court system: felonies, misdemeanors, and violations.¹ Only felonies and misdemeanors are classified as crimes² and carry the penalty of a permanent criminal record;³ however, violations are processed exclusively in criminal courts.⁴ A misdemeanor carries a possible penalty of 15 days or more in jail,⁵ but a violation may involve a sentence of either a fine or jail.⁶

The City has the authority to create misdemeanors or violations, as well as offenses that carry a civil penalty, which are purely monetary.⁷ These penalties are imposed in an entirely different manner than those processed in criminal court. In fact, because civil penalties are independent from those imposed in criminal court, an individual may be liable simultaneously in civil and criminal courts without violating the principles of double jeopardy.⁸

Disorderly Conduct

According to the State's Division of Criminal Justice Services, there were a total of 622,084 convictions for disorderly conduct for fingerprintable offenses between 2006 and 2015, for an average of 62,208 per year.⁹ Fingerprintable offenses are those cases in which a defendant is charged with a misdemeanor or felony under State law,¹⁰ meaning that these convictions were only for those cases in which the defendant was originally charged with a more serious offense and was convicted—almost universally through a plea bargain—of a lesser, non-criminal offense.¹¹ This does not include summonses, which are not fingerprintable, and for which a total of 682,302 were issued charging disorderly conduct between 2007 and 2015.¹² A study of 11 years of summons outcomes conducted by the John Jay College of Criminal Justice found that 21% of those issued summonses are ultimately convicted, which would mean that approximately 143,283 people were convicted of disorderly conduct in summons court between 2007 and 2015, or an average of 15,920 per year.

The proposed legislation would create a Disorderly Behavior offense in the Administrative Code, which may be punishable criminally by no more than five days imprisonment, or a fine of \$200. The offense also carries a civil penalty and individuals found in violation of the Disorderly Behavior provisions shall be liable for up to \$75, which may be recoverable in a proceeding before the office of administrative trials and hearings. The Disorderly Behavior charge would serve as tool that law enforcement, prosecutors, and judges may use to ensure that penalties are proportional to the offense and do not trigger adverse collateral consequences, including immigration consequences for foreign-born defendants.

III. ANALYSIS AND AMENDMENTS TO 1569-A

Section 1 of Int. No. 1569-A would add a section 10-177 to the Code creating a violation of behavior that when, with the intent to cause public inconvenience, annoyance or alarm, or recklessly or with criminal negligence creates the risk of:

1. Engages in fighting or in violent, tumultuous or threatening behavior;
2. Makes unreasonable noise;
3. In a public place, uses abusive or obscene language, or makes an obscene gesture;

¹ New York Penal Law § 10.00.

² *Id.* at § 10.00(6).

³ New York Criminal Procedure Law, Article 160.

⁴ New York City Criminal Court Act, Article III; New York State Constitution, Article VI.

⁵ New York Penal Law § 10.00(4).

⁶ *Id.* at § 10.00(1).

⁷ New York Municipal Home Rule Act § 10.

⁸ *E.g., Rex Trailer Co. v. United States*, 350 U.S. 148 (1956).

⁹ Immigrant Defense Project, *New York's Low DACA Approval Rate* (2016), citing statistics provided directly by the New York State Division of Criminal Justice Services, on file with staff.

¹⁰ New York Criminal Procedure Law § 160.10(1).

¹¹ In 2014, for all misdemeanors and non-indicted felonies, there was a total of 580 verdicts after trial and 172, 490 guilty pleas out of the total of 359,475 arraigned cases, for a total percentage of trials of just over .3%. Criminal Court of the City of New York, *Annual Report 2014* (Jun. 2015), available at http://www.courts.state.ny.us/COURTS/nyc/criminal/cc_annl_rpt_2014.pdf.

¹² Immigrant Defense Project, *supra* note 86.

4. Without lawful authority, disturbs any lawful assembly or meeting of persons;
 5. Obstructs vehicular or pedestrian traffic;
 6. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
 7. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.
- The offense would carry a possible criminal penalty of imprisonment of up to five days or a fine of up to \$200, as well as a possible civil penalty of up to \$75. The prior version of the bill allowed for restitution in the amount of \$1000. The current version deleted restitution as a possible penalty.
- Section two would provide that the law takes effect immediately.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1569-A:)

Int. No. 1569-A

By Council Members Gibson, Lancman, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Dromm, Menchaca and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting disorderly behavior

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-177 to read as follows:

10-177 Disorderly behavior. a. Prohibition. A person is guilty of disorderly behavior when, with intent to cause public inconvenience, annoyance or alarm, or recklessly or with criminal negligence creating a risk thereof, such person:

- 1. Engages in fighting or in violent, tumultuous or threatening behavior;*
 - 2. Makes unreasonable noise;*
 - 3. In a public place, uses abusive or obscene language, or makes an obscene gesture;*
 - 4. Without lawful authority, disturbs any lawful assembly or meeting of persons;*
 - 5. Obstructs vehicular or pedestrian traffic;*
 - 6. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or*
 - 7. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.*
- b. Criminal penalty. The violation of subdivision a of this section constitutes an offense punishable by imprisonment of up to 5 days or a fine of up to 200 dollars.*
- c. Civil penalty. Any person who violates subdivision a of this section shall be liable for a civil penalty of up to 75 dollars, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.*

§ 2. This local law takes effect immediately.

VANESSA L. GIBSON, Chair; VINCENT J. GENTILE, JAMES VACCA, JUMAANE D. WILLIAMS, ROBERT E. CORNEGY, Jr., RAFAEL ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, STEVEN MATTEO; Committee on Public Safety, October 16, 2017. *Other Council Members Attending: Council Member Johnson.*

Laid Over by the Council.

Report of the Committee on Recovery and Resiliency

Report for Int. No. 1720-A

Report of the Committee on Recovery and Resiliency in favor of approving and adopting, as amended, a Local Law in relation to the creation of a Hurricane Sandy recovery task force.

The Committee on Recovery and Resiliency, to which the annexed proposed amended local law was referred on September 27, 2017 (Minutes, page 3369), respectfully

REPORTS:

I. Introduction

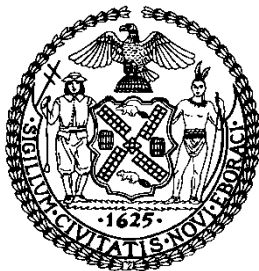
On October 16, 2017, the Committee on Recovery and Resiliency, chaired by Council Member Mark Treyger, will hold a hearing to vote on Proposed Int. No. 1720-A. More information on Proposed Int. No. 1720-A can be accessed online at <https://goo.gl/uZKJuC>.

II. Background

Proposed Int. No. 1720-A Summary

Proposed Int. No. 1720-A would create a task force that will assess the recovery efforts for Hurricane Sandy and provide specific recommendations for future recovery efforts. Members of the task force shall include the director of the Mayor's Office of Recovery and Resiliency, the director of the Mayor's Office of Housing Recovery Programs, seven members appointed by the Speaker, and six members appointed by the Mayor.

(The following is the text of the Fiscal Impact Statement for Int. No. 1720-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO. 1720-A
COMMITTEE: RECOVERY AND RESILIENCY

TITLE: A Local Law in relation to the creation of a Hurricane Sandy recovery task force

SPONSORS: Council Members Treyger, Menchaca and Ulrich

SUMMARY OF LEGISLATION: Proposed Intro. No. 1720-A would require the creation of a task force, which would consist of fifteen members, including seven appointed by the Speaker and six appointed by the Mayor, all whom serve without compensation and report on the recovery efforts by city agencies following Hurricane Sandy and provide recommendations that prepare the City for future natural disasters.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the creation of the taskforce.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Jonathan K. Seltzer, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
 Crilhien Francisco, Unit Head, Finance Division
 Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1720 on September 27, 2017 and referred to the Committee on Recovery and Resiliency. The Committee considered the legislation at a hearing on October 11, 2017 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1720-A, will be considered by the Committee on October 16, 2017. Upon a successful vote by the Committee, Proposed Intro. No. 1720-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 11, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1720-A:)

Int. No. 1720-A

By Council Members Treyger, Menchaca, Maisel, Gentile, Kallos, Chin, Rosenthal, Dromm and Ulrich.

A Local Law in relation to the creation of a Hurricane Sandy recovery task force

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a Hurricane Sandy recovery task force to analyze the recovery efforts in New York city in response to Hurricane Sandy and make specific recommendations to the mayor and council for preparing the city for future recovery efforts.

b. Such task force shall consist of 15 members as follows:

(1) The director of the mayor's office of housing recovery operations, who shall serve ex officio, or his or her designee;

(2) The director of the mayor's office of recovery and resiliency, who shall serve ex officio, or his or her designee,;

(3) Seven members appointed by the speaker of the council and six members appointed by the mayor, provided that of such thirteen members there shall be at least one resident of each borough.

c. The members of such task force to be appointed by the mayor and the speaker of the council shall be appointed within 120 days of the enactment of this local law.

d. At the first meeting of such task force, the task force shall select a chairperson from among its members by majority vote of the task force.

e. Any vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

f. Members of the task force shall serve without compensation.

g. No later than 12 months after the effective date of this local law, the task force shall submit to the mayor and the speaker of the council a report.

(1) The report required by this subdivision may include but need not be limited to an analysis of the city's recovery efforts in response to Hurricane Sandy, including the provision of legal services, communications, case management, outreach efforts, including efforts to ensure culturally competent outreach, efforts to promote language access, policy shifts over time, the role of non-profit organizations, the availability of shelters that were accessible to people with disabilities and fully stocked, workforce development programs, health and hospitals funding and recovery, public housing recovery and other multi-family housing recovery, recovery efforts beyond single-family build it back, the damage incurred to public and private property, and the city's efforts to repair such property.

(2) The report required by this subdivision shall include but need not be limited to evidence-based actionable recommendations for improving future recovery efforts in New York city, on the following topics: enhanced recovery case management and communication tools, standards for land use and neighborhood planning, housing design standards, proposed regulatory changes, damage assessments, implementation of immediate housing recovery programs, analyses of long-term recovery options, workforce development programs, health and hospitals funding, ensuring that all shelters are accessible to people with disabilities and fully stocked, the role of non-profit organizations, public housing and other multi-family housing recovery, recovery efforts beyond single-family build it back, and any other recommendations the task force deems appropriate.

h. The task force shall dissolve 60 days after submission of the report required by subdivision g of this local law.

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*, MARGARET S, CHIN, DONOVAN J. RICHARDS, BILL PERKINS; ERIC A. ULRICH, STEVEN MATTEO; Committee on Recovery and Resiliency, October 16, 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 Rules, Privileges and Elections

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

Report for M- 557

Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Council of Robert L. Cohen, MD as a member of the New York City Board of Correction.

The Committee on Rules, Privileges and Elections, to which the annexed Council communication was referred on October 17, 2017 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic: *New York City Board of Correction* – (Candidate for re-appointment by the Council)

- **Robert L. Cohen, MD [Pre-considered M-557]**

The New York City Department of Correction (“DOC”) provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. The New York City Board of Correction (“BOC”) oversees DOC’s operations and evaluates agency performance. Pursuant to *New York City Charter* (“Charter”) §§ 626(c), 626(e), 626(f), BOC, or by written designation of the BOC, any member of it, the Executive Director¹, or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC’s correctional program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;
- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter* § 626(b).

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter* § 626(a).

BOC is required to adopt rules to govern its own proceedings. *Charter* § 626(b). Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter* § 626(g).

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction.

¹ BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC’s Commissioner shall designate such of DOC’s stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter* § 626(b).

Charter § 626(d). Members of the Council are authorized to inspect and visit at anytime the institutions and facilities under the jurisdiction of DOC. *Charter § 627*.

If re-appointed by the Council, Dr. Cohen, a resident of the Manhattan, will serve for the remainder of a six-year term that began on October 13, 2017 and will expire on October 12, 2023. Copies of the candidate's résumé and the related messages is attached.

PROJECT STAFF

Elizabeth Guzman, Counsel
 Charles W. Davis III, Director of Investigations
 Alycia Vassell, Legislative Investigator
 Andre Johnson-Brown, Legislative Investigator

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominee Robert L. Cohen [M-557]:)

Pursuant to § 626 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Robert L. Cohen, MD as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2023.

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

Res. No. 1691

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF ROBERT L. COHEN, MD AS A MEMBER OF THE NEW YORK CITY BOARD OF CORRECTION.

By Council Member Lander.

RESOLVED, that pursuant to § 626 of the New York City Charter, the Council does hereby approve the re-appointment of Robert L. Cohen, MD as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2023.

BRADFORD S. LANDER, *Chairperson*; DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, October 17, 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 Small Business

Report for Int. No. 1509-A

Report of the Committee on Small Business 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 access to online business supports.

The Committee on Small Business, to which the annexed proposed amended local law was referred on March 16, 2017 (Minutes, page 808), respectfully

REPORTS:

INTRODUCTION

On Wednesday, October 11, 2017, the Committee on Small Business, chaired by Council Member Robert Cornegy, will consider legislation that relates to supporting small businesses and workforce development: Proposed Int. No. 1509-A is a local law to amend the administrative code of the city of New York, in relation to access to online business supports; Proposed Int. No. 1510-B is a local law in relation to a workforce development plan for small business; and Proposed Int. No. 1511-A is a local law in relation to state of small business survey.

Previously, on June 20, 2017, the Committee held a hearing on the prior versions of these bills. Representatives of the Department of Small Business Services (SBS), various Chambers of Commerce, advocates, and business owners testified at the hearing.

ANALYSIS OF LEGISLATION

ANALYSIS OF PROPOSED INT. NO. 1509-A

Section one of Proposed Int. No. 1509-A would add a new chapter, Chapter 10 and sections 22-1001 and 22-1002 to Title 22 of the Administrative Code.

The new section 22-1001 would set forth the definition of several terms. The term “Department” would mean the Department of Small Business Services. The term “Commissioner” would mean the Commissioner of Small Business Services (SBS).

Subdivision a of new section 22-1002 would require the Commissioner of Small Business Services to post online business tools such as accounting, recordkeeping, and bookkeeping resources as well as other resources that the Commissioner deems appropriate on the city’s website.

Subdivision b of new section 22-1002 would explain that the city would not be liable for any damages as a result of the use of such online business tools and there would be no cause of action against the city from the use of these business tools.

Section two of Proposed Int. No. 1509-A would provide that the local law take effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1510-B

Subdivision a of section one of Proposed Int. No. 1510-A would require the Commissioner of SBS to create a comprehensive workforce development plan no later than June 1, 2019, informed to the extent practicable, on the results of the state of small business survey, which shall be submitted to the Mayor and the Speaker, and posted online.

Subdivision b would require that the plan include, but not be limited to, strategies to address small business hiring needs; information on addressing workforce development needs and skills necessary to fill small business jobs; identifying and addressing issues unique to small businesses such as barriers to growth; and information on tools and resources that may assist small businesses.

Section two of Proposed Int. No. 1510-A would provide that the local law take effect immediately and be

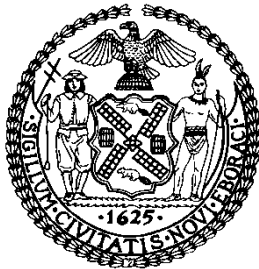
repealed upon submission of the workforce development plan.

ANALYSIS OF PROPOSED INT. NO. 1511-A

Section one of Proposed Int. No. 1511-A would require the Commissioner of SBS to prepare and disseminate a state of small business survey no later than September 1, 2018, which would collect information from small businesses including, but not be limited to, the hiring needs of small businesses; the workforce development needs and skills necessary to fill small business jobs; issues that small businesses are experiencing, such as barriers to growth; and the need for additional tools and resources that may assist small businesses.

Section two of Int. No. 1511 would provide that the local law take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1509-A)



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

**PROPOSED INTRO. NO: 1509-A
COMMITTEE: Small Business**

TITLE: A local law to amend the administrative code of the City of New York, in relation to access to online business supports

SPONSOR(S): Council Members Cornegy, Gentile, Cohen, Espinal, Vallone, and Menchaca

SUMMARY OF LEGISLATION: This legislation would require the Commissioner of the Department of Small Business Services (SBS) to post on the City’s website online business tools and resources such as accounting, recordkeeping, and bookkeeping services.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
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 be no impact on expenditures resulting from the enactment of this legislation as SBS has the capacity to post the required information online using existing staff and resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A**SOURCE OF INFORMATION:** New York City Council Finance Division**ESTIMATE PREPARED BY:** Crilhien Francisco, Unit Head, Finance Division**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council on March 16, 2017 as Intro. No. 1509 and referred to the Committee on Small Business. A hearing was held jointly by the Committee on Small Business and the Committee on Veterans on June 20, 2017 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1509-A, will be voted on by the Committee on Small Business at a hearing on October 11, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1509-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 10, 2017.

(For text of Int. No. 1510-A and 1511-A, and their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Small Business for Int. Nos. 1510-B and 1511-A)

Accordingly, this Committee recommends the adoption of Int. Nos. 1509-A, 1510-B, and 1511-A.

(The following is the text of Int. No. 1509-A:)

Int. No. 1509-A

By Council Members Cornegy, Gentile, Cohen, Espinal, Vallone, Menchaca, Koo, Koslowitz, Perkins and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to access to online business supports

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*CHAPTER 10
SMALL BUSINESSES*

§ 22-1001 Definitions.

§ 22-1002 Online business supports.

§ 22-1001 Definitions. As used in this chapter, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of small business services.

Department. The term “department” means the department of small business services.

§ 22-1002 Online business supports. a. The commissioner shall post on the city’s website online business tools and resources, including but not limited to:

1. Tools provided by the department, which may include accounting, recordkeeping and bookkeeping resources; and

2. Such other tools and resources as the commissioner may deem appropriate.

b. This section shall not be construed to create a private right of action to enforce its provisions or against the city for any action taken to comply with this section.

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, CARLOS MENCHACA, PAUL A. VALLONE, BILL PERKINS; Committee on Small Business, October 11, 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. 1510-B

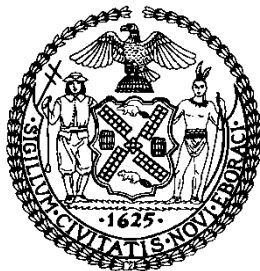
Report of the Committee on Small Business in favor of approving and adopting, as amended, a local law in relation to a workforce development plan for small business.

The Committee on Small Business, to which the annexed proposed amended local law was referred on March 16, 2017 (Minutes, page 808), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 1509-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1510-B:



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

**PROPOSED INTRO. NO: 1510-B
COMMITTEE: Small Business**

TITLE: A local law in relation to a workforce development plan for small business **SPONSOR(S):** Council Members Cornegy, Levin, Salamanca, Gentile, Menchaca, Rosenthal, Cohen, Espinal, and Vallone

SUMMARY OF LEGISLATION: This legislation would require the Commissioner of the Department of Small Business Services (SBS) to create a comprehensive workforce development plan based, to the extent practicable, on the results of the state of small business survey. The plan would be due no later than June 1, 2019 and would include the following:

- strategies for addressing the hiring needs of small businesses;
- information on addressing workforce development needs;
- information on addressing issues small businesses experience such as barriers to growth; and
- information on tools and resources that may assist small businesses.

EFFECTIVE DATE: This local law would take effect immediately and would remain in effect until the submission of the plan due June 1, 2019, when it would be deemed repealed.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
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 be no impact on expenditures resulting from the enactment of this legislation as SBS has the capacity to assess needs and create the development plan with existing staff and resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien Francisco, Unit Head, Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council on March 16, 2017 as Intro. No. 1510 and referred to the Committee on Small Business. Subsequent to introduction the legislation was amended and the amended version, Proposed Intro. No. 1510-A, was considered at hearing held jointly by the Committee on Small Business and the Committee on Veterans on June 20, 2017 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1510-B, will be voted on by the Committee on Small Business at a hearing on October 11, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1510-B will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 10, 2017

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1510-B:)

Int. No. 1510-B

By Council Members Cornegy, Levin, Salamanca, Gentile, Menchaca, Rosenthal, Cohen, Espinal, Vallone, Koo, Koslowitz, Perkins and Eugene.

A Local Law in relation to a workforce development plan for small business

Be it enacted by the Council as follows:

Section 1. Workforce development plan for small businesses. a. No later than June 1, 2019, the commissioner of small business services shall submit to the mayor and the speaker of the council, and post online, a

comprehensive workforce development plan informed, to the extent practicable, by the results of the state of small business survey conducted pursuant to a local law of the city of New York for the year 2017 as proposed in introduction number 1511-A.

b. Such plan may include, but need not be limited to:

1. Strategies to address the hiring needs of small businesses;
2. Information specific to addressing workforce development needs and skills necessary to fill small business jobs;
3. Identifying and addressing issues that small businesses are experiencing, such as barriers to growth; and
4. Information on tools and resources that may assist small businesses.

§ 2. This local law takes effect immediately, and remains in effect until the submission of the plan due June 1, 2019, when it is deemed repealed.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, CARLOS MENCHACA, PAUL A. VALLONE, BILL PERKINS; Committee on Small Business, October 11, 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. 1511-A

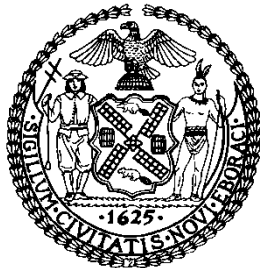
Report of the Committee on Small Business in favor of approving and adopting, as amended, a local law in relation to a state of small business survey.

The Committee on Small Business, to which the annexed proposed amended local law was referred on March 16, 2017 (Minutes, page 809), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 1509-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1511-A:



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

**PROPOSED INTRO. NO: 1511-A
COMMITTEE: Small Business**

TITLE: A local law in relation to a state of small business survey

SPONSOR(S): Council Members Cornegy, Levin, Rosenthal, Menchaca, Cohen, Espinal, and Vallone

SUMMARY OF LEGISLATION: This legislation would require the Commissioner of the Department of Small Business Services (SBS) to prepare and disseminate a state of small business survey by September 1, 2018, which would collect information from small businesses, including but not limited to, hiring needs, workforce development needs, barriers to growth, and the need for additional tools and resources.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$150,000	\$0	\$0
Net	(\$150,000)	\$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 one-time \$150,000 impact on expenditures as a result of this legislation for the development of the survey; outreach to community; data analysis; and the author and design phase of the survey.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Crilhien Francisco, Unit Head, Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council on March 16, 2017 as Intro. No. 1511 and referred to the Committee on Small Business. A hearing was held jointly by the Committee on Small Business and the Committee on Veterans on June 20, 2017 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1511-A, will be voted on by the Committee on Small Business at a hearing on October 11, 2017. Upon successful vote by the Committee, Proposed Intro. No. 1511-A will be submitted to the full Council for a vote on October 17, 2017.

DATE PREPARED: October 10, 2017.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1511-A:)

Int. No. 1511-A

By Council Members Cornegy, Levin, Rosenthal, Menchaca, Cohen, Espinal, Vallone, Koo, Koslowitz, Perkins and Eugene.

A Local Law in relation to a state of small business survey

Be it enacted by the Council as follows:

Section 1. State of small business survey. a. No later than September 1, 2018, the commissioner of small business services shall prepare and disseminate a state of small business survey, which shall request information from small businesses.

b. Such information requested shall include, but need not be limited to:

1. Hiring needs of small businesses;
2. Workforce development needs and skills necessary to fill small business jobs;
3. Issues that small businesses are experiencing, such as barriers to growth; and
4. The need for additional tools and resources that may assist small business.

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., Chairperson; MATHIEU EUGENE, PETER A. KOO, KAREN KOSLOWITZ, CARLOS MENCHACA, PAUL A. VALLONE, BILL PERKINS; Committee on Small Business, October 11, 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).

GENERAL ORDER CALENDAR

Report for L.U. No. 747 & Res. No. 1692

Report of the Committee on Land Use in favor of approving, with modifications, Application No. C 170311 ZMX submitted by New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, changing an M2-1 District to an R7-2 District, establishing within the proposed R7-2 District a C2-5 District 3, and establishing a Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162), and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications, respectfully

REPORTS:

SUBJECT

BRONX CB - 4

C 170311 ZMX

City Planning Commission decision approving an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a.

INTENT

To approve the amendment of the Zoning Map, which in conjunction with the related actions would facilitate a mixed-use development that would include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Twelve

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Salamanca, Mealy, Cohen

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1692

Resolution approving the decision of the City Planning Commission on ULURP No. C 170311 ZMX, a Zoning Map amendment (L.U. No. 747).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on August 28, 2017 its decision dated August 23, 2017 (the "Decision"), on the application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict. This amendment in conjunction with the related actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4, (ULURP No. C 170311 ZMX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications N 170312 ZRX (L.U. No. 748), amendment to the Zoning Text to modify use, bulk, parking, streetscape, open space and waterfront access regulations and to designate a Mandatory Inclusionary Housing (MIH) area; C 170314 PPX (L.U. No. 749), disposition of City-owned property; and C 170315 ZSR (L.U. No. 750), a Special Permit to reduce parking requirements;

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 September 25, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2017 (CEQR No. 16DME012X), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-418) and the Technical Memorandum dated June 9, 2017, (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable; and

- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170311 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. changing an M2-1 District to an R7-2 District property bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street;
2. establishing within the proposed R7-2 District a C2-5 District bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street; and
3. establishing a Special Harlem River Waterfront District bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street;

as shown on a diagram (for illustrative purposes only) dated March 20, 2017, Community District 4, Borough of the Bronx.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 748 & Res. No. 1693

Report of the Committee on Land Use in favor of approving, with modifications, Application No. N 170312 ZRX submitted by New York City Economic Development Corporation 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 VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162) and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications, respectfully

REPORTS:

SUBJECT

BRONX CB - 4

N 170312 ZRX

City Planning Commission decision approving an application submitted by New York City Economic Development Corporation 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 VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and 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 actions would facilitate a mixed-use development that would include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Twelve

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Salamanca, Mealy, Cohen.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, 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 October 11, 2017. The City Planning Commission filed a letter dated October 16, 2017, with the Council on October 17, 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 Salamanca offered the following resolution:

Res. No. 1693

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170312 ZRX, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, within Community District 4, Borough of the Bronx (L.U. No. 748).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on August 28, 2017 its decision dated August 23, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Economic Development Corporation, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area. This amendment in conjunction with the related actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly-accessible open space along the Harlem River Waterfront in Bronx Community District 4, (Application No. N 170312 ZRX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 170311 ZMX (L.U. No. 747), an amendment to the Zoning Map to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict; C 170314 PPX (L.U. No. 749), disposition of City-owned property; and C 170315 ZSR (L.U. No. 750), a Special Permit to reduce parking requirements;

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 September 25, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2017 (CEQR No. 16DME012X), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-418) and the Technical Memorandum dated June 9, 2017, (the “Technical Memorandum”);

RESOLVED:

Having considered the FEIS and the Technical Memorandum 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 170312 ZRX, incorporated by reference herein, the Council approves the Decision with the following modifications:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10 or 81-613;

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

Article II
RESIDENCE DISTRICT REGULATIONS

Chapter
Residential Bulk Regulations in Residence Districts

3

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

- (1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);
- (2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

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

* * *

23-154

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, the maximum #floor area ratio# for any #MIH development# in R7-1 and R7-2 Districts without a letter suffix shall be 4.6, and in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0 for any #MIH development#, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section.

* * *

**Article VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

* * *

Chapter
Special Regulations Applying in the Waterfront Area

2

* * *

**62-30
SPECIAL BULK REGULATIONS**

* * *

62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

* * *

62-322

Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (Open Space and Floor Area Regulations in R1 through R5 Districts) or Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the table below, except as provided for in Sections 23-154 (Inclusionary Housing), 62-323 (Affordable independent residences for seniors) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS
OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio# ¹	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70

* * *

¹ In #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, the #floor area ratio# has been modified, pursuant to Section 23-154 or Section 62-35, inclusive

* * *

**62-90
WATERFRONT ACCESS PLANS**

* * *

**62-92
Borough of The Bronx**

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-~~60-70~~ (HARLEM RIVER WATERFRONT ACCESS PLAN).

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

* * *

87-00
GENERAL PURPOSES

* * *

87-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[The definition of “ground floor level” moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section, T~~the “ground floor level” shall mean the finished floor level of the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

Parcel 1 building line

The “Parcel 1 building line” shall be:

- (a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, as shown on Map 1 in the Appendix of this Chapter, has been widened after June 30, 2009, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or

* * *

87-02**General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. ~~However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.~~

[Latter portion of this Section has been moved to Section 87-043]

87-03**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two subdistricts composed of parcels which consisting of tax blocks and lots ~~as established on June 30, 2009~~, as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

- | | |
|-----------|---|
| Parcel 1: | Block 2349, Lot 112 |
| Parcel 2: | Block 2349, Lot 100
(that portion not mapped as parkland*) |
| Parcel 3: | Block 2349, Lots 46, 47, 146 |
| Parcel 4: | Block 2349, Lot 38 |
| Parcel 5: | Block 2349, Lots 15, 20 |

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

North Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3
Block 2356, Lots 2, 72 and tentative Lot 102 (existing on [date])

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Waterfront Access Plan: Public Access Elements).

* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President

87-04

Applicability of District Regulations Article VI, Chapter 2

[Existing Section 87-04 provision moved to 87-042; portion of existing 87-02 moved to 87-043]

87-041**Applicability of the Quality Housing Program**

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042**Applicability of Article VI, Chapter 2**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

[Existing waterfront zoning lot provision moved from Section 87-04]

For the purpose of applying such provisions, Parcels 1, 2, 3 and 4, within the Core Subdistrict as shown on Map 1 (Special Harlem River District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009.

87-043**Applicability of Article VI, Chapter 4**

Notwithstanding the provisions of Section 87-02 (General Provisions) ~~However~~, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

87-044**Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1, shall be an #Inclusionary Housing designated area#, and the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be a #Mandatory Inclusionary Housing area#.

* * *

87-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified ~~in Sections 87-11 through 87-24,~~ by the provisions of this Section, inclusive.

As used in this Section, “ground floor level” shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

[Definition of “ground floor level,” moved to 87-01 and amended]

87-11
Vehicle Storage Establishments
Use Regulations in the Core Subdistrict

[Existing 87-11 provisions moved to 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111
Vehicle storage establishments

[Existing provisions, moved from 87-11]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on the parcel;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~64~~71 (Special Public Access Provisions by Parcel).

The streetscape provisions of Section 87-~~13~~40, inclusive, the maximum width of establishment provisions of Section 87-~~23~~213 and the special height and setback regulations of Section 87-30, inclusive, shall not apply to such #use#.

87-112

Location of ~~C~~ommercial ~~S~~pace

[Existing provisions, moved from 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-14 87-113

Location of ~~U~~nderground ~~U~~ses

[Existing provisions, moved from 87-14]

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

87-12

Location of Commercial Space

Use Regulations in the North Subdistrict

[Existing 87-12 provisions moved to 87-112]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-121

Modification of supplementary commercial use regulations

In the North Subdistrict, the supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# to be on any #story#, provided no access exists between such #commercial# and #residential uses# at any level containing #residences#, and provided that such #commercial uses# are not located directly over any #residential use#.

87-13

Streetscape Regulations

[Existing Section 87-13 provisions moved to 87-40 and modified per subdistrict]

87-14

Location of Underground Uses

[Existing Section 87-14 provisions moved to 87-113]

87-20**SPECIAL FLOOR AREA REGULATIONS**

[Existing Section 87-20 provisions moved to 87-21]

The #floor area# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified by the provisions of this Section, inclusive.

87-21

~~Special Residential Floor Area Regulations~~
Floor Area Regulations in the Core Subdistrict

[Existing 87-21 provisions moved to 87-211; below: existing provisions, moved from 87-20]

The ~~#Special Harlem River Waterfront District#~~ Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, ~~applicable as modified within the Special District.~~

87-211**Special Residential Floor Area Regulations**

[Existing provisions, moved from 87-21]

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in paragraph (b) of Section 23-90154 (INCLUSIONARY HOUSING—Inclusionary Housing), except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

87-212***Special ~~R~~etail ~~F~~loor ~~A~~rea ~~R~~requirement***

[Existing provisions, moved from 87-22]

- (a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

* * *

87-213***Maximum ~~W~~idth of ~~E~~stablishments***

[Existing provisions, moved from 87-23]

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

87-214***Location of ~~B~~uilding ~~E~~ntrances***

[Existing provisions, moved from 87-24]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the main front entrance of at least one #building#, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 1, located no less than 120 feet from 149th Street;
- (b) on Parcel 2, located no less than 95 feet from a mapped parkland; and

(c) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-22

~~Special Retail Floor Area Requirement~~
Floor Area Regulations in the North Subdistrict

[Existing 87-22 provisions moved to 87-212]

Within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for all permitted #uses#, the #floor area# provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply. However, in no event shall the maximum #floor area ratio# for any #zoning lot# exceed 4.6.

87-23

~~Maximum Width of Establishments~~

[Existing provisions moved to 87-213]

87-24

~~Location of Building Entrances~~

[Existing provisions moved to 87-214]

87-30

SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply.

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive, as applicable. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply, except as specifically made applicable in this Section, inclusive.

For the purposes of applying such regulations:

(a) ~~a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:~~

(1) ~~Exterior Street; and~~

(2) ~~that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and~~

(b) In all Subdistricts, the height of all #buildings or other structures# shall be measured from the #base plane#.

[Existing street line applicability provisions in paragraph (a) moved to Section 87-32]

87-31

Permitted Obstructions

In the Core and North Subdistricts, ~~the~~ provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32

Street Wall Location and Building Base Special Height and Setback in the Core Subdistrict

[Existing 87-32 provisions moved to 87-321; below: some existing provisions moved from 87-30]

In the Core Subdistrict, Ffor the purposes of applying ~~such~~ regulations of this Section, inclusive:

- (a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-321:
 - (1) Exterior Street; and
 - (2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and
- (b) the height of all #buildings or other structures# shall be measured from the #base plane#.

87-321
Street ~~W~~all ~~L~~ocation and ~~B~~uilding ~~B~~ase

[Existing provisions of paragraphs (a), (b) and (c), moved from 87-32]

(a) #Street wall# location

* * *

(b) Minimum and maximum base heights

* * *

(c) Transition heights

* * *

87-322
Towers

[Existing provisions, moved from 87-33]

All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-321 (Street wall location and building base) shall be considered a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

* * *

87-33
Towers
Special Height and Setback, Legal Windows, and Courts in the North Subdistrict

[Existing 87-33 provisions moved to 87-322]

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

87-331**Maximum height of buildings and setback regulations**

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraph (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30 feet of a #shore public walkway# shall be as follows:

- (1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and
- (2) no dormers, pursuant to the provisions of Section 87-31 (Permitted Obstructions), shall be permitted.

(b) Height allowances along all other frontages

The maximum height of #buildings or other structures#, or portions thereof, located within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed a maximum height of 85 feet.

Beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, the maximum height of #buildings or other structures# shall be as set forth in Section 87-332 (Towers).

87-332**Towers**

In the North Subdistrict, the maximum height of #buildings or other structures#, or portions thereof, beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, shall be 85 feet.

Such maximum #building# height may be exceeded by “towers” permitted in Location A or Location B. Such #towers# shall be provided in accordance with paragraphs (a) or (b) of this Section, as applicable. For the purpose of applying the provisions of this Section, all #stories# of a #building# located partially or wholly above 85 feet shall be considered a “tower” and shall comply with the provisions of this Section. Two or more #abutting towers# shall be considered one #tower#. In addition, for the purposes of applying the provisions of this Section, Location A shall be the portion of the North Subdistrict located within 100 feet of the northerly boundary of East 149th Street, and Location B shall be the remaining portion of the North Subdistrict.

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

- (1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;
- (2) each #residential story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;
- (3) such #tower# shall not exceed a maximum #building# height of ~~400~~ 375 feet;
- (4) a #tower# that exceeds a height of 260 feet shall provide articulation in accordance with the following provisions:
 - (i) For #towers# less than 300 feet in height, the uppermost three #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#; and
 - (ii) For #towers# 300 feet or more in height, the uppermost four #stories# shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

- (1) no #tower# shall be located within 60 feet of a #tower# within Location A;
- (2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (c)(5) of Section 62-341 (Development on land and platforms);
- (3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section 87-71, shall not exceed 150 feet.
- (4) such #towers# shall not exceed a maximum #building# height of 260 feet; and
- (5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the uppermost three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# not exceeding 80 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-40

~~SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS~~

STREETSCAPE REGULATIONS

[All existing 87-40 text moved to 87-50]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# within the #Special Harlem River Waterfront District#, as applicable.

87-41**Fire Apparatus Access Roads
Streetscape Requirements in the Core Subdistrict**

[Existing 87-41 provisions moved to 87-51]

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the ground floor and streetscape provisions of this Section, inclusive, shall apply.

87-411**Ground floor uses within the Core Subdistrict**

[Existing provisions, moved from 87-13 (a)]

Within the Core Subdistrict, all—~~All~~ #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.

For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

87-412**Parking wrap and screening requirements within the Core Subdistrict**

[Existing provisions, moved from paragraphs (c) through (e) of 87-50]

The following provisions shall apply to all parking facilities in the Core Subdistrict:

~~(e)~~(a) Location requirements for parking facilities

No parking facility, open or enclosed, shall front upon or be visible from:

- (1) a #shore public walkway#, except as provided for in paragraph ~~(e)~~ (c) of this Section for Parcel 5;
- (2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.

~~(d)~~(b) Design requirements for enclosed off-street parking facilities

All enclosed off-street parking facilities shall be located either entirely below the level of any #street# or open area accessible to the public upon which such facility fronts or, when located above grade, in compliance with the following provisions:

- (1) The provisions of this paragraph, ~~(d)~~(b)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this paragraph, ~~(b)(2)~~, shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.

Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.

~~(c)~~ Open parking lots

The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, ~~(c)~~.

For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.

On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

87-413

Transparency requirements within the Core Subdistrict

[Existing provisions, moved from 87-13 (b)]

In the Core Subdistrict, any ~~Any~~ #building# wall containing #ground floor level commercial# or #community facility uses# that faces a #shore public walkway#, mapped parkland or an #upland connection#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.

87-42

Sidewalks

Streetscape Requirements in the North Subdistrict

[Existing 87-42 provisions moved to 87-52]

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR RETAIL PROVISIONS FOR CERTAIN AREAS), inclusive, to this Section, inclusive, in locations where non-#residential floor area# is provided along public access areas in accordance with the provisions of Section 87-421 (Ground floor uses in the North Subdistrict), such portions of #shore public walkways#, mapped parkland, #upland connections# or #streets# shall constitute a designated retail street.

87-421

Ground floor uses in the North Subdistrict

For #building# walls more than 50 feet in width that face a #street#, #shore public walkway#, #public park# or #upland connection#, at least 30 percent of the width of such #building# walls shall be occupied by non-#residential floor area# on the #ground floor level#. Such non-#residential floor area# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

87-422

Transparency

Along designated retail streets, any #building# wall shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

87-423**Parking wrap and screening requirements in the North Subdistrict**

Along designated retail streets, any off-street parking spaces shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

In other locations, any #accessory# off-street parking space provided on the #ground floor level# of a #building# shall be wrapped by #floor area# or screened in accordance with the provisions of paragraph (b) of Section 37-35.

87-50**~~SPECIAL PARKING REGULATIONS~~****SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS**

[Existing 87-50 provisions moved to 87-40 and 87-60]

87-51**~~Curb Cut Restrictions~~****Fire Apparatus Access Roads**

[Existing 87-51 provisions moved to 87-611; below: existing text, moved from 87-41]

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the ~~following requirements~~ provisions of this Section, as applicable.

(a) In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, such fire apparatus access road shall comply with the following provisions:

(a)(1) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;

- ~~(b)~~(2) curbs shall be provided along each side of the entire length of such road;
- ~~(c)~~(3) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;
- ~~(d)~~(4) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and
- ~~(e)~~(5) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.
- (b) In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, in the event that such fire apparatus access road is provided within 50 feet of a #shore public walkway#, the road, or portion thereof, and any area between such road and the #shore public walkway#, shall comply with the following provisions:
- (1) If access to such road is limited to emergency and maintenance vehicles, such road, and any area between the road and the #shore public walkway#, shall be flush-to-grade with the upland boundary of the #shore public walkway# and shall be accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute design guidelines. To facilitate pedestrian access between such road and the #shore public walkway#, at least 50 percent of the area between the road and the #shore public walkway# shall be free of obstructions.
- In addition, the road, and any area between such road and the #shore public walkway#, shall be accessible to the public during the hours of operation set forth in the maintenance and operation agreement required for the #shore public walkway# pursuant to the provisions of Section 62-74 (Requirements for Recordation).
- (2) If the road is configured to be accessible to private passenger vehicles, such road shall be improved at least to the minimum standards of the Department of Transportation for public #streets#, including sidewalks, curbs and curb drops. In addition, any area between the sidewalk and the #shore public walkway# shall be configured in accordance with paragraph (b)(1) of this Section.

87-52

Sidewalks

[Existing provisions, moved from 87-42]

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

* * *

87-60

~~HARLEM RIVER WATERFRONT ACCESS PLAN~~

SPECIAL PARKING REGULATIONS

[All existing 87-60 text moved to 87-70]

The parking and loading regulations of underlying districts and of Article VI, Chapter 2 (Special Regulations in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-61

~~Special Public Access Provisions~~

Special Parking Regulations in the Core Subdistrict

[Existing 87-61 provisions moved to 87-71; below: existing provisions moved from 87-50]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

- (a) Use of parking facilities

All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

(b) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.

[Existing text in paragraphs (c) through (e) of 87-50 moved to Section 87-412]

~~(c)~~ Roof parking

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, that is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-611

Curb Cut Restrictions

[Existing provisions, moved from 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcel 2, no curb cuts shall be provided facing mapped parkland.

87-62**~~Certification to Waive Supplemental Public Access Area Requirement~~**

[Existing 87-62 provisions moved to 87-72]

87-63**~~Certification to Allow Fire Apparatus Road Turnaround in Shore Public Walkways~~**

[Existing 87-63 provisions moved to 87-73]

87-64**~~Declaration of Restrictions~~**

[Existing 87-64 provisions moved to 87-74]

87-65**~~Applicability of Waterfront Regulations~~**

[Existing 87-65 provisions moved to 87-75]

87-66**~~Connection with Adjacent Zoning Lots~~**

[Existing 87-66 provisions moved to 87-76]

87-70**HARLEM RIVER WATERFRONT ACCESS PLAN**

[Existing provisions, moved from 87-60]

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

87-71**Special Public Access Provisions**

[Existing provisions, moved from 87-61]

The provisions of 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, #enlargements#, alterations or changes of #use#, as follows:

(a) #Shore public walkways#

- (1) In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, ~~the~~ #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link, except that:
 - (i) on Parcels 6 and 7, no such elevation requirement shall apply;
 - (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lots#, such elevation requirement shall not apply. However, for any other #use#, such elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet; and
 - (iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.

- (2) In the Core Subdistrict, A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends), or its successor, may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

* * *

(b) #Upland connections#

#Upland connections# shall be located on Parcels 3, 4, ~~and 6,~~ and 10 as designated on Map 2 in the Appendix to this Chapter.

In the Core Subdistrict, Tthe provisions of Sections 62-50 are modified, as follows:

- (1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.
- (2) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

In the Core Subdistrict, Ssupplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-~~62~~ 72 (Certification to Waive Supplemental Public Access Area Requirement).

In the North Subdistrict, a #supplemental public access area# shall be provided on Parcel 10, as indicated on Map 2.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 1, ~~and 4~~ and 10, and mapped parkland, as indicated on Map 2 in the Appendix to this Chapter.

87-72

Certification to Waive Supplemental Public Access Area Requirement

[Existing provisions, moved from 87-62]

In the Core Subdistrict, ~~For~~ Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission, provided that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section ~~87-41~~ 51 (Fire Apparatus Access Roads);
- (b) a declaration of restrictions has been provided, pursuant to Section ~~87-64~~ 74;
- (c) the design meets all applicable connection requirements set forth in Section ~~87-66~~ 76 (Connection with Adjacent Zoning Lots in the Core Subdistrict); and
- (d) such a vehicular connection, either:
 - (1) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or
 - (2) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line#.

87-73

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

[Existing provisions, moved from 87-63]

In the Core Subdistrict, On for Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided, pursuant to Section 87-~~64~~ 74;

* * *

87-74

Declaration of Restrictions

[Existing provisions, moved from 87-64]

In the Core Subdistrict, Ffor any fire apparatus access road proposed for certification pursuant to Sections 87-~~62~~ 72 or 87-~~63~~ 73, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson’s certification under Sections 87-~~62~~ 72 and 87-~~63~~ 73, where applicable.

For certifications proposed pursuant to Section 87-~~63~~ 73, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround;

- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and
- (d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.

87-75

Applicability of Waterfront Regulations

[Existing provisions, moved from 87-65]

In the Core Subdistrict, ~~in~~ the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-76

Connection with Adjacent Zoning Lots in the Core Subdistrict

[Existing provisions, moved from 87-66]

In the Core Subdistrict, ~~the~~ following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-~~62~~ 72 (Certification to Waive Supplemental Public Access Area Requirement) or 87-~~63~~ 73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of,

and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64 74. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64 74, has been recorded against the adjacent #zoning lot#.

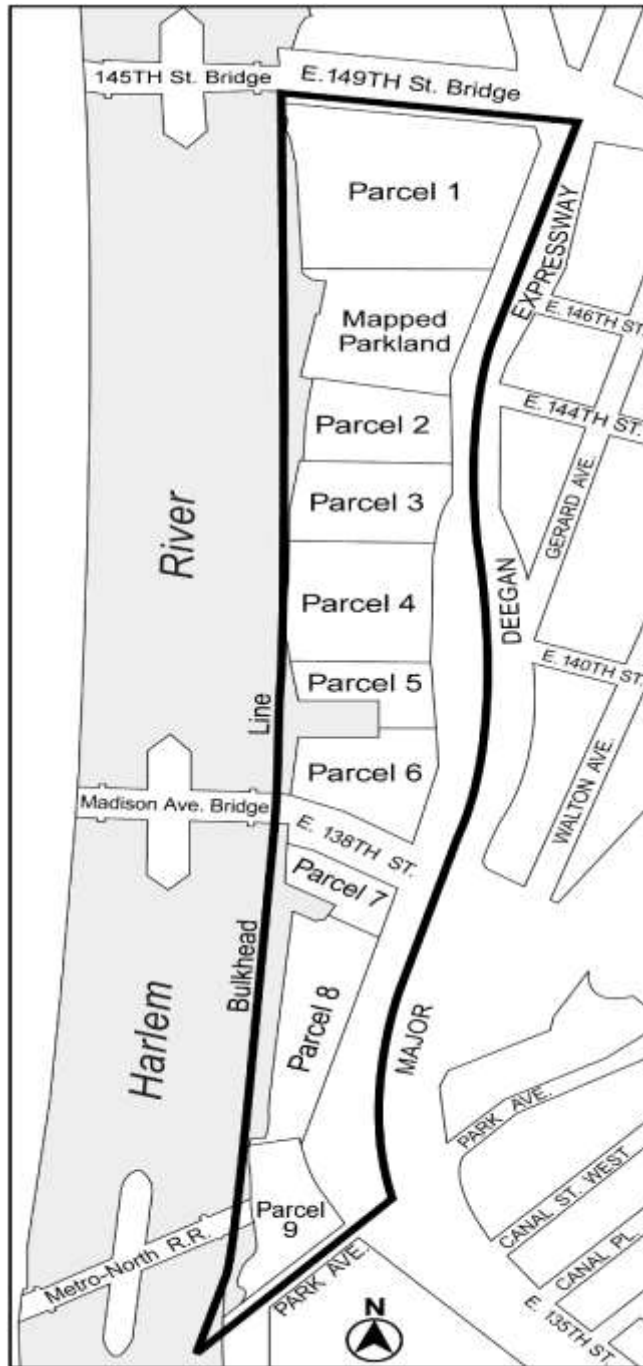
When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63 73, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64 74.

Appendix

Special Harlem River Waterfront District Plan

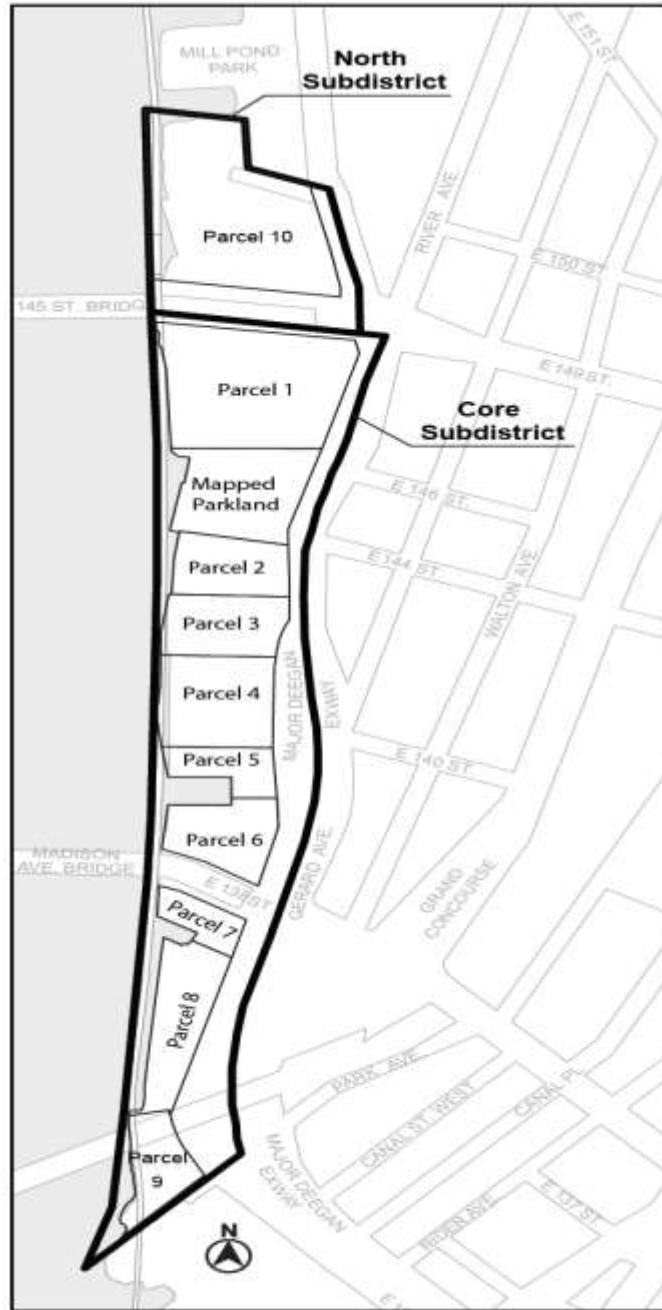
Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels

[Existing map]



— Special Harlem River Waterfront District

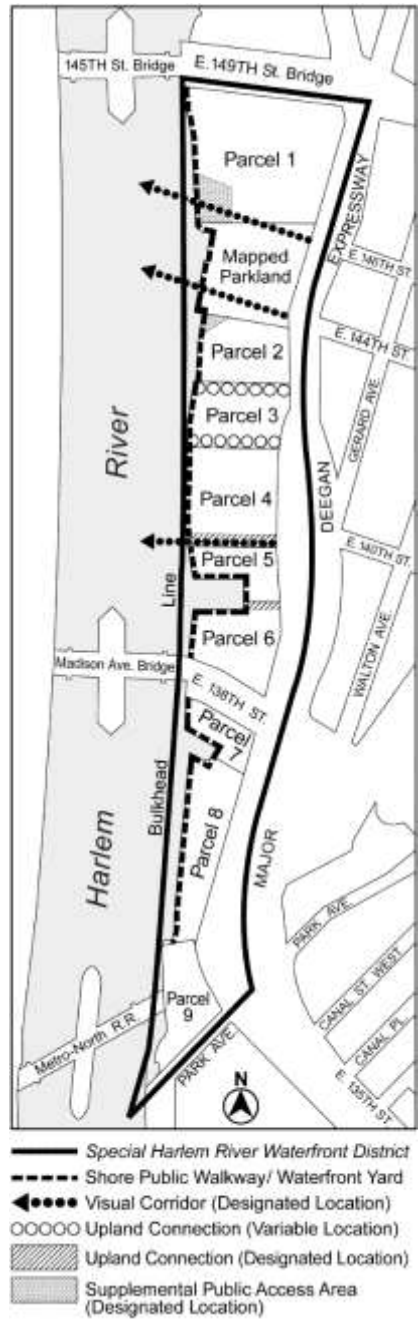
[Proposed map]



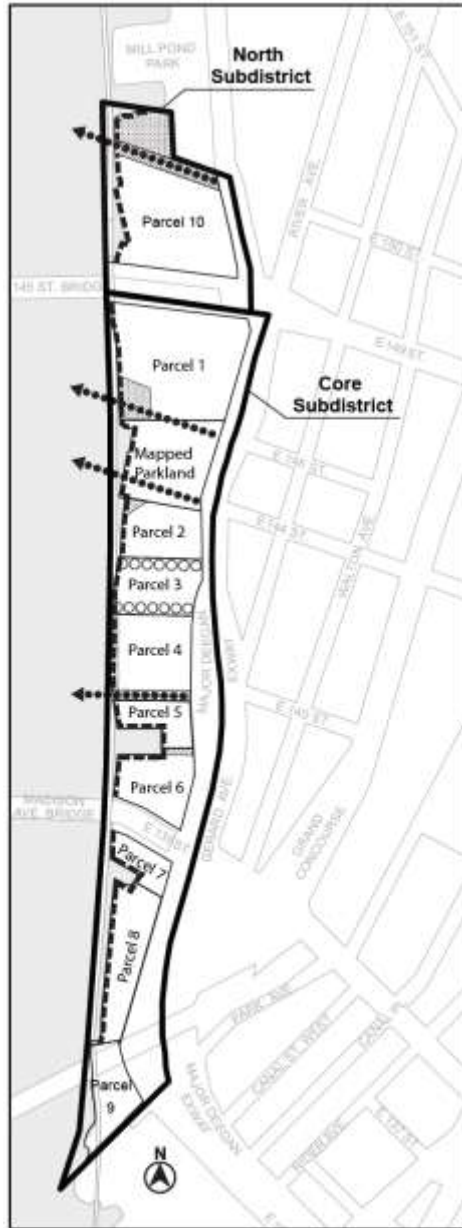
— Special Harlem River Waterfront District

Map 2. Waterfront Access Plan: Public Access Elements

[Existing map]



[Proposed map]



- Special Harlem River Waterfront District
- - - - Shore Public Walkway/ Waterfront Yard
- ← Visual Corridor (Designated Location)
- Upland Connection (Variable Location)
- ▨ Upland Connection (Designated Location)
- ▩ Supplemental Public Access Area (Designated Location)

* * *

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS AND MANDATORY INCLUSIONARY HOUSING AREAS

* * *

The Bronx

* * *

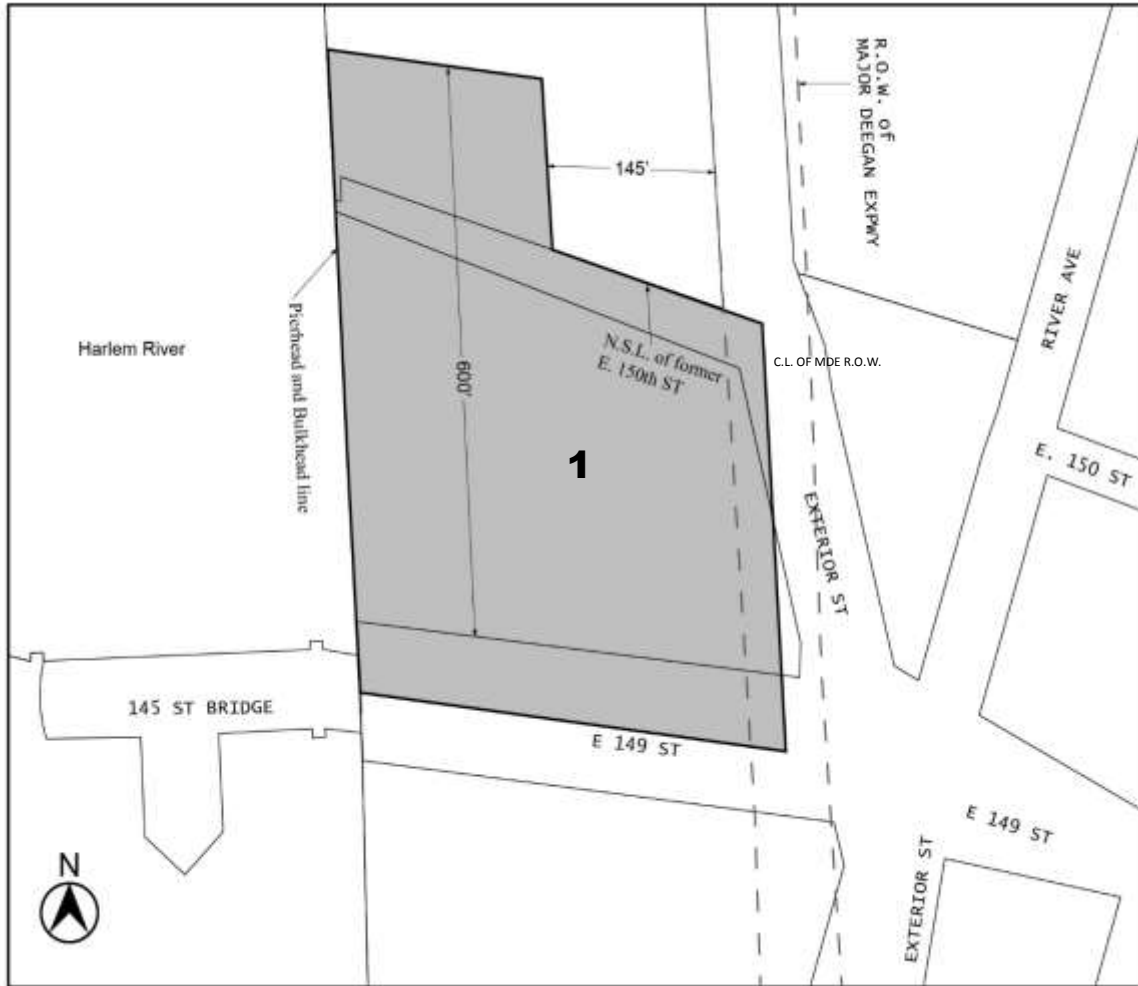
The Bronx Community District 4

In portions of the #Special Grand Concourse Preservation District# and in the R7A, R7D, R8, R8A and R9D Districts within the areas shown on the following Map 1 and 2:

* * *

Map 2 - [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~~ Deep Affordability Option

Portion of Community District 4, The Bronx

* * *

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 749 & Res No. 1694

Report of the Committee on Land Use in favor of approving, with modifications, Application No. C 170314 PPX submitted by the New York City Department of Citywide Administrative Services pursuant to Section 197-c of New York City Charter, for the disposition of five city-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3162) and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications, respectfully

REPORTS:

SUBJECT

BRONX CB - 4

C 170314 PPX

City Planning Commission decision approving an application submitted by the NYC Department of Citywide Administrative Services (DCAS), Division of Real Estate Services, pursuant to Section 197-c of New York City Charter, for the disposition of City-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning.

INTENT

To approve the disposition of the five City-owned properties, which in conjunction with the related actions would facilitate a mixed-use development that would include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4.

PUBLIC HEARING**DATE:** September 25, 2017**Witnesses in Favor:** Twelve**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** October 10, 2017

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

In Favor:

Salamanca, Mealy, Cohen.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1694

Resolution approving the decision of the City Planning Commission on Application No. C 170314 PPX, for the disposition of City-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning, Community District 4, Borough of the Bronx (L.U. No. 749).

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission (the "Commission") filed with the Council on August 28, 2017 its decision dated August 23, 2017 (the "Decision"), pursuant to Section 197-c of the New York City Charter, regarding an application submitted by the Department of Citywide Administrative Services, Division

of Real Estate Services, for the disposition of City-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line (the "Disposition Area"), pursuant to zoning. This disposition, in conjunction with the related actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4, (Application No. C 170314 PPX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 170311 ZMX (L.U. No. 747), an amendment to the Zoning Map to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict; N 170312 ZRX (L.U. No. 748), amendment to the Zoning Text to modify use, bulk, parking, streetscape, open space and waterfront access regulations and to designate a Mandatory Inclusionary Housing (MIH) area; and C 170315 ZSR (L.U. No. 750), a Special Permit to reduce parking requirements;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 25, 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 Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2017 (CEQR No. 16DME012X), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-418) and the Technical Memorandum dated June 9, 2017, (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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, C 170314 PPX, incorporated by reference herein, the Council approves the Decision for the disposition of the

City-owned properties located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line; and that there be a future review protocol that shall require, as a condition of the issuance of a building permit, that the Chairperson of the Commission, after consultation with the Commission, shall have certified that the Commission's concerns with respect to urban design, primarily with respect to the massing of the development, the relationship of the on-site open space to Mill Pond Park, and the specific locations of required non-residential ground floor uses, have been adequately addressed. Notwithstanding the foregoing, in the event the Chairperson of the Commission has not issued a certification by the date of preliminary design approval by the Public Design Commission, the certification shall be deemed to have been issued.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 750 & Res. No. 1695

Report of the Committee on Land Use in favor of approving, with modifications, Application No. 170315 ZSX submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), within the Special Harlem River Waterfront District, Borough of the Bronx, Community District 4, Council District 8. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on September 7, 2017 (Minutes, page 3163) and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications respectfully

REPORTS:

SUBJECT

BRONX CB - 4

C 170315 ZSX

City Planning Commission decision approving an application submitted by NYC Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1

& p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District.

INTENT

To approve the Special Permit pursuant to Section 74-533 of the ZR, which in conjunction with the related actions would facilitate a mixed-use development that would include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Twelve

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Salamanca, Mealy, Cohen.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1695

Resolution approving the decision of the City Planning Commission on ULURP No. C 170315 ZSX (L.U. No. 750), for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District, Community District 4, Borough of the Bronx.

By Council Members Greenfield and Salamanca.

WHEREAS, the City Planning Commission filed with the Council on August 28, 2017 its decision dated August 23, 2017 (the "Decision"), on the application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District. Approval of this special permit, in conjunction with the related actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly accessible open space along the Harlem River Waterfront in Bronx Community District 4, (ULURP No. C 170315 ZSX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications C 170311 ZMX (L.U. No. 747), an amendment to the Zoning Map to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict; N 170312 ZRX (L.U. No. 748), amendment to the Zoning Text to modify use, bulk, parking, streetscape, open space and waterfront access regulations and to designate a Mandatory Inclusionary Housing (MIH) area; and C 170314 PPX (L.U. No. 749), disposition of City-owned property;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-533 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 25, 2017;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2017 (CEQR No. 16DME012X), which identified significant adverse impacts with respect to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-418) and the Technical Memorandum dated June 9, 2017, (the "Technical Memorandum");

RESOLVED:

Having considered the FEIS and the Technical Memorandum 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 available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 this report, C 170315 ZSX), incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following conditions:

- 1. The property that is the subject of this application (C 170315 ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by Beyer, Blinder, Belle filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
1	Parking Special Permit Site Plan	3/15/2017
1	Zoning Compliance Table	3/15/2017

- 2. Such development shall confirm to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
- 3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- 4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
- 5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the

consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 752 & Res. No. 1696

Report of the Committee on Land Use in favor of approving, with modifications, Application No. C 170377 ZMX submitted by 1675 JV Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d, changing an R6 District to an R8A District and establishing within the proposed R8A District a C2-4 District on property located on Westchester Avenue between Metcalf and Fteley Avenues, 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 September 7, 2017 (Minutes, page 3163) and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications, respectfully

REPORTS:

SUBJECT

BRONX CB - 9

C 170377 ZMX

City Planning Commission decision approving an application submitted by 1675 JV Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an R6 District to an R8A District property bounded by a line 200 feet northerly of Westchester Avenue, a line midway between Fteley Avenue and Metcalf Avenue, a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue; and

2. establishing within the proposed R8A District a C2-4 District bounded by a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue.

INTENT

To approve the amendment to the Zoning Map, Section No. 3d, changing an R6 zoning district on a portion of a block to an R8A/C2-4 district, which in conjunction with the related action would facilitate the development of a new 13-story mixed-use building containing approximately 220 affordable dwelling units in the Bronx River neighborhood of Bronx Community District 9.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Two

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 2017

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

In Favor:

Richards, Gentile, Garodnick, Williams, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, Salamanca.

Against:

None

Abstain:

None

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

Res. No. 1696

Resolution approving the decision of the City Planning Commission on ULURP No. C 170377 ZMX, a Zoning Map amendment (L.U. No. 752).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on August 25, 2017 its decision dated August 23, 2017 (the "Decision"), on the application submitted by 1675 JV Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, to change an R6 Zoning District on a portion of a block to an R8A/C2-4 district, which in conjunction with the related action would facilitate the development of a new 13-story mixed-use building containing approximately 220 affordable dwelling units in the Bronx River neighborhood of Community District 9, (ULURP No. C 170377 ZMX), Community District 9, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application N 170378 ZRX (L.U. No. 753), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) 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 September 25, 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 May 22, 2017 (CEQR No. 17DCP154X), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-425) (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 170377 ZMX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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. 3d:

1. changing from an R6 District to an R8A District property bounded by a line 200 feet northerly of Westchester Avenue, a line midway between Fteley Avenue and Metcalf Avenue, a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue; and

2. establishing within the proposed R8A District a C2-4 District bounded by a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue;

as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-425, Community District 9, Borough of the Bronx.

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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. 753 & Res. No. 1697

Report of the Committee on Land Use in favor of approving, with modifications, Application No. N 170378ZRX submitted by 1675 JV 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 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 September 7, 2017 (Minutes, page 3164) and which same Land Use item was coupled with the resolution shown below and sent to the City Planning Commission with modifications, respectfully

REPORTS:

SUBJECT

BRONX CB - 9

N 170378 ZRX

City Planning Commission decision approving an application submitted by 1675 JV 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 Inclusionary Housing area.

INTENT

To approve an amendment to the text of the Zoning Resolution, to designate a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a new 13-story mixed-use building containing approximately 220 affordable dwelling units in the Bronx River neighborhood of Bronx Community District 9.

PUBLIC HEARING

DATE: September 25, 2017

Witnesses in Favor: Two

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: October 10, 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, Reynoso, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 11, 2017

The Committee recommends that the Council approve the attached resolution.

In Favor:

Greenfield, Gentile, Palma, Garodnick, Mendez, Rodriguez, Koo, Lander, Levin, Rose, Williams, Richards, Barron, Cohen, Kallos, Reynoso, Torres, Treyger, Grodenchik, 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 October 11, 2017. The City Planning Commission filed a letter dated October 16, 2017, with the Council on October 17, 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. 1697

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 170378 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 9, Borough of the Bronx (L.U. No. 753).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on August 25, 2017 its decision dated August 23, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 1675 JV 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 Block 3780, Lot 51 and a portion of Lot 1 at the end of a block bounded by Westchester Avenue, Metcalf Avenue and Fteley Avenue, which in conjunction with the related action would facilitate the development of a new 13-story mixed-use building containing approximately 220 affordable dwelling units in the Bronx River neighborhood of Bronx Community District 9, (Application No. N 170378 ZRX), Community District 9, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application C 170377 ZMX (L.U. No. 752), a zoning map amendment to change an R6 zoning district on a portion of a block 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 September 25, 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 May 22, 2017 (CEQR No. 17DCP154X), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-425) (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 170378 ZRX, 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 Inclusionary Housing Areas

* * *

THE BRONX

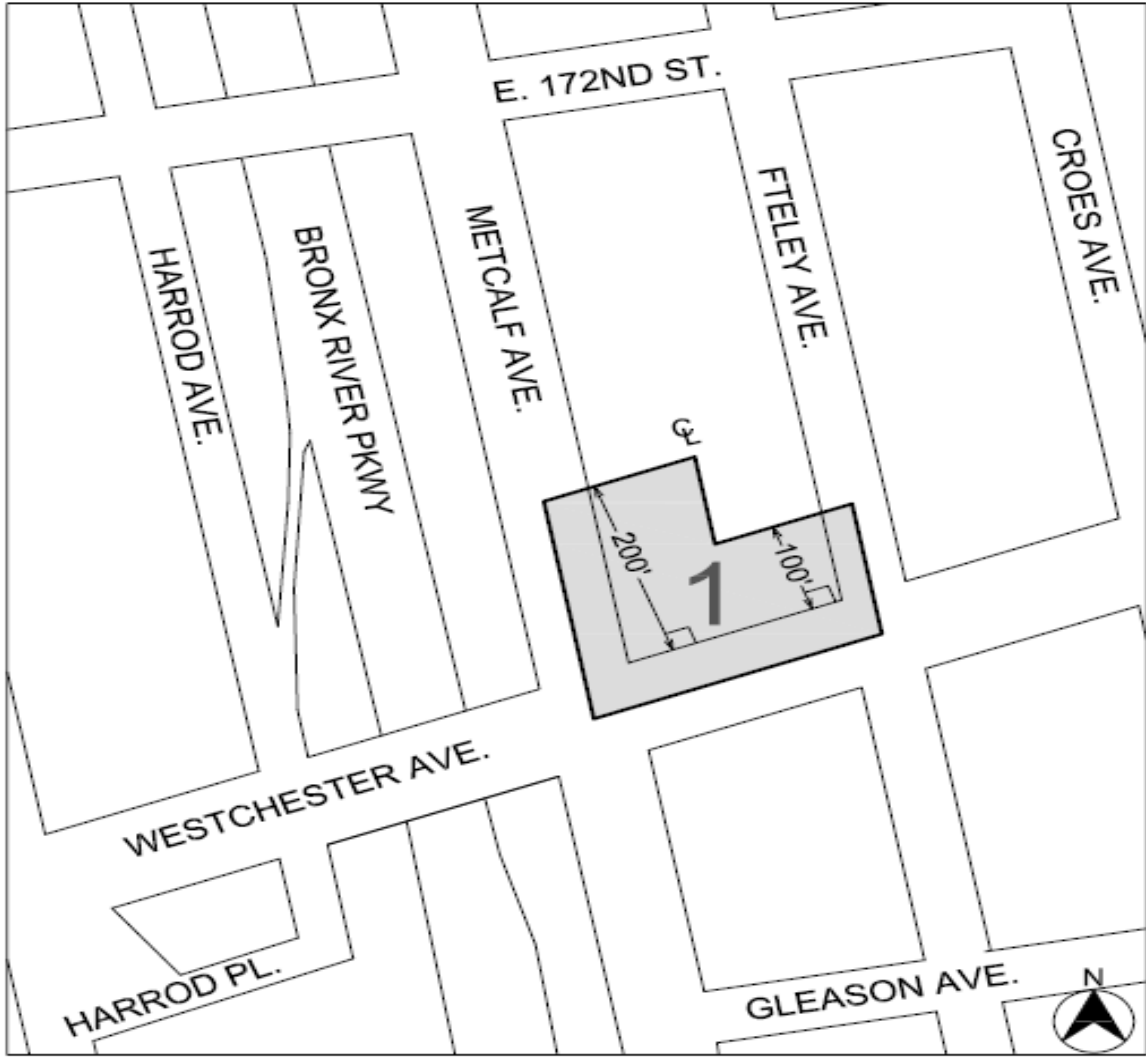
* * *

The Bronx Community District 9

In the R8A District within the area 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 2~~ Option 1

Portion of Community District 9, The Bronx

* * *

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, DONOVAN J. RICHARDS, INEZ D. BARRON, ANDREW COHEN, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr.; Committee on Land Use, October 11, 2017. *Other Council Members Attending: Council Member Perkins.*

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>
Elizabeth Diaz	3330 Hull Avenue Bronx, N.Y. 10467	11
Stacey Martinez	1 West 182nd Street #4J Bronx, N.Y. 10453	14
Amber L. Pyne	24-01 19th Street #3 Queens, N.Y. 11102	22
Doniyor Fayzullaev	141-40 84th Drive #1M Briarwood, N.Y. 11435	24
Richard Soldano	105-25 67th Road #4B Queens, N.Y. 11375	29
Avis Dennis-Cox	257-47 145th Avenue Queens, N.Y. 11422	31
Tina Chan	101-47 102nd Street Ozone Park, N.Y. 11416	32

Sabrina M. Calloway	132 Weldon Street Brooklyn, N.Y. 11208	37
Julie Chen	488A 7th Avenue #3 Brooklyn, N.Y. 11215	39
Tamara Fyffe	711 East 53rd Street Brooklyn, N.Y. 11203	45
Dina Kazakov	61 Brighton 10th Street Brooklyn, N.Y. 11235	48
Ellen A. Yates	101 Preston Avenue Staten Island, N.Y. 10312	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Fernando DeLeon	50 Avenue D #2H New York, N.Y. 10009	2
Jesus Salas	709 FDR Drive #1C New York, N.Y. 10009	2
Irene-Joyce Berzak-Schoen	670 West End Avenue New York, N.Y. 10025	6
Candace Taylor	515 West 122nd Street #4 New York, N.Y. 10027	7
Gabrielle K. Connor	42 Edgecombe Avenue New York, N.Y. 10030	9
Sonya Y. Crute	159-48 Harlem River Drive #12H New York, N.Y. 10039	9
Ravenna Won	327 St. Nicholas Avenue #1E New York, N.Y. 10027	9
Sharon Jamison	2728 Henry Hudson Parkway East #C65 Bronx, N.Y. 10463	11
Patricia Cipollaro	2420-5 Hunter Avenue Bronx, N.Y. 10475	12
Jewel M. Cleckley	273 Buttrick Avenue #2 Bronx, N.Y. 10465	13

Milagros Escabi	1732 St. Peters Avenue Bronx, N.Y. 10461	13
Hector Maldonado	2019 Hobart Avenue Bronx, N.Y. 10461	13
Colleen A. McCarthy	149C Edgewater Park Bronx, N.Y. 10465	13
Anna Marie Wallace	1740 Mulford Avenue #5C Bronx, N.Y. 10461	13
Raisa Arias	2005 Davidson Avenue #1C Bronx, N.Y. 10453	14
Melissa Maldonado	2075 Walton Avenue #1A Bronx, N.Y. 10453	14
Sylvia Burnett	480 East 188th Street #6L Bronx, N.Y. 10458	15
Felicia Burns	2526 Bronx Park East #4C Bronx, N.Y. 10467	15
Lizette Barcence	1560 Metropolitan Avenue #8A Bronx, N.Y. 10472	18
Nelly DelValle	2123 Gleason Avenue Bronx, N.Y. 10462	18
George Mihaltses	220-31 43rd Avenue Bayside, N.Y. 11361	19
Jean H. Schwarwsin	203 Park Lane Douglaston, N.Y. 11363	19
Claudia P. Torres	199-39 34th Avenue Queens, N.Y. 11358	19
Beatrice Constantine	67-11 161st Street #1D Queens, N.Y. 11365	24
Ahelia Chankar	130-30 Springfield Blvd Springfield Gardens, N.Y. 11413	27
Crystal A. Nixon	130-16 Foch Blvd Jamaica, N.Y. 11420	28
Marlene J. Reed	109-44 160th Street #1C Queens, N.Y. 11433	28

Janet Smith	118-17 Union Turnpike Queens, N.Y. 11375	29
Patricia Butler	103 Beach 215th Street Rockaway Point, N.Y. 11697	32
Marlene Potter	8200 Shore Front Parkway #9L Queens, N.Y. 11693	32
Berlinda McLeod	433 Lafayette Avenue #7F Brooklyn, N.Y. 11238	35
Phylcia Vega	39 Hemlock Street #3 Brooklyn, N.Y. 11208	37
Anthony Pantano	90 President Street Brooklyn, N.Y. 11231	39
Sandra Crawford	688 Rockaway Avenue #2B Brooklyn, N.Y. 11212	41
Nicole Muccigrosso	964 72nd Street Brooklyn, N.Y. 11228	43
Nelida Velazquez	675 86th Street #B2 Brooklyn, N.Y. 11228	43
Melissa Ashton	133 East 89th Street Brooklyn, N.Y. 11236	45
Lucy Campos	4105 Avenue P Brooklyn, N.Y. 11234	45
Catherine Smalls	1372 New York Avenue #4C Brooklyn, N.Y. 11203	45
Esther Cid	2054 East 56th Street #3 Brooklyn, N.Y. 11234	46
Kelly Wallace	1088 Bergen Avenue Bmst Brooklyn, N.Y. 11234	46
Hyacinth R. Taylor	18 Avenue V #3E Brooklyn, N.Y. 11223	47
Alvin Pankin	1798 East 26th Street Brooklyn, N.Y. 11229	48
Nicole Cherie King	121 Alaska Street Staten Island, N.Y. 10310	49
Lillian L. Lagazzo	90 Bay Street Landing #2B Staten Island, N.Y. 10301	49

Aamer Parvez	15 Guinevere Lane Staten Island, N.Y. 10310	49
Mark Matuza	94 Hancock Street Staten Island, N.Y. 10305	50
Theresa M. Morace	350 London Road Staten Island, N.Y. 10306	50
Patricia Nappi	351 Ross Avenue Staten Island, N.Y. 10306	50
Barbara J. Pardi	982 Rockland Avenue Staten Island, N.Y. 10314	50
Gail A. Cooney	44 Lamoka Avenue Staten Island, N.Y. 10308	51
Anthony S. Economou	316 Dewey Avenue Staten Island, N.Y. 10308	51
Denzil Klippel	27 Waterside Parkway 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) **M 557 & Res 1691 -** Robert L. Cohen, MD as a member of the New York City Board of Correction.
- (2) **Int 336-B -** Reporting on inclusionary housing programs.
- (3) **Int 622-A -** Department of homeless services to educate homeless persons on domestic violence.
- (4) **Int 942-B -** Increasing transparency regarding city financial assistance provided to developers.
- (5) **Int 1313-A -** Safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members.
- (6) **Int 1404-A -** Penalties for violations of site safety provisions of the construction codes.
- (7) **Int 1429-A -** Pre-shift safety meetings for workers at construction sites.
- (8) **Int 1437-A -** Increasing the civil penalties for construction sites with excessive violations.
- (9) **Int 1444-A -** Site-specific safety orientations for workers at construction sites.
- (10) **Int 1460-A -** Creating a continuum of care steering committee to advise the department of homeless services, the responsibilities of the interagency coordinating council, and to repeal section 21-306 of the administrative code.
- (11) **Int 1509-A -** Access to online business supports.
- (12) **Int 1510-B -** Workforce development plan for small business.

- (13) **Int 1511-A -** State of small business survey.
- (14) **Int 1517-A -** Timing of a disclosure report for candidates for public office.
- (15) **Int 1645-A -** Contributions to and expenditures from the mandatory inclusionary housing affordable housing fund.
- (16) **Int 1720-A -** Creation of a Hurricane Sandy recovery task force.
- (17) **Res 1679 -** Establishment of the Morris Park Business Improvement District and setting the date, time and place for the public hearing to hear all persons interested in the establishment.
- (18) **L.U. 747 & Res 1692 -** App. **C 170311 ZMX** Bronx, Community District 4, Council District 8.
- (19) **L.U. 748 & Res 1693 -** App. **N 170312 ZRX** Bronx, Community District 4, Council District 8.
- (20) **L.U. 749 & Res 1694 -** App. **C 170314 PPX** Bronx, Community District 4, Council District 8.
- (21) **L.U. 750 & Res 1695 -** App. **170315 ZSX** Bronx, Community District 4, Council District 8.
- (22) **L.U. 752 & Res 1696 -** App. **C 170377 ZMX** Bronx, Community District 9, Council District 18.
- (23) **L.U. 753 & Res 1697 -** App. **N 170378ZRX** Bronx, Community District 9, Council District 18.
- (24) **L.U. 755 & Res 1682 -** Seagirt Apartments, Block 15610, Lot 1; Queens, Community District No. 14, Council District No. 31.
- (25) **L.U. 757 & Res 1685 -** App. **C 170180(A) ZMQ** Queens, Community District 7, Council District 20.

- (26) L.U. 758 & Res 1686 - App. N 170181 ZRQ Queens, Community District 7, Council District 20.
- (27) L.U. 763 & Res 1687 - App. 20185034 TCM Manhattan, Community Board 12, Council District 10 (**Approved with Modifications**).
- (28) L.U. 764 & Res 1683 - Wyatt Tee Walker, Block 1944, Lot 36; Manhattan, Community District No. 10, Council District No. 9.
- (29) L.U. 765 & Res 1684 - Lefferts Heights, Block 2019, Lot 40; Brooklyn, Community District No. 2, Council District No. 36.
- (30) L.U. 771 & Res 1688 - App. C 170336 ZMQ Queens, Community Board 12, Council District 28.
- (31) L.U. 772 & Res 1689 - App. N 170337 ZRQ Queens, Community District 12, Council District 28.
- (32) L.U. 783 & Res 1690 - App. 20185071 HAX Bronx, Community Board 9, Council District 18 (**Approved with Modifications**).
- (33) 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, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-557 & Res. No. 1691**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative - Borelli, Ulrich, and Matteo – **3**.

The following was the vote recorded for **Int. No. 1517-A**:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Lancman – **1**.

The following was the vote recorded for **L.U. No. 757 & Res. No. 1685** and **L.U. No. 758 & Res. No. 1686**:

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Miller, Palma, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Abstention – Williams – **1**.

The following Introductions were sent to the Mayor for his consideration and approval:

Int. Nos. 336-B, 622-A, 942-B, 1313-A, 1404-A, 1429-A, 1437-A, 1444-A, 1460-A, 1509-A, 1510-B, 1511-A, 1517-A, 1645-A, and 1720-A.

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. 1292

Report of the Committee on Women's Issues in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords.

The Committee on Women's Issues, to which the annexed resolution was referred on November 29, 2016 (Minutes, page 3952), respectfully

REPORTS:**INTRODUCTION**

On Monday, October 16, 2017, the Committee on Women's Issues, chaired by Council Member Karen Koslowitz, will consider Res. No. 1292, a resolution calling upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords, sponsored by Council Member Helen Rosenthal. The committee previously held a hearing on this bill on Tuesday, June 27, 2017. Those invited to testify on June 27, 2017 included the Mayor's Office to Combat Domestic Violence, women's rights organizations, and service providers.

ANALYSIS OF RES. NO. 1292

Res. No. 1292 would acknowledge that according to the Centers for Disease Control and Prevention, one in three women and one in four men in the United States have experienced some form of intimate partner violence in their lifetime. Resolution No. 1292 would indicate that according to the Mayor's Office to Combat Domestic Violence, the New York City Police Department responded to 279,051 Domestic Incident Reports in 2015, which averages to over 764 incidents per day. Resolution No. 1292 would state that as the United States Department of Justice estimates that only slightly over 50 percent of domestic violence incidents are reported to police, the reality is that there are likely thousands of New Yorkers who face unsafe domestic situations on a daily basis. Res. No. 1292 would recognize that many domestic violence victims would be safer if they could move to a location where their abusers cannot find them, but victims often cannot move due to ongoing lease obligations and because they would incur the penalties of poor tenant history and bad credit for breaking a lease. Res. No. 1292 would acknowledge that the National Network to End Domestic Violence indicates that many domestic violence victims who leave their abusers have trouble finding rental properties due to poor credit and tenant histories, making victims and their families more vulnerable to homelessness. Res. No. 1292 would state that, according to the New York City Department of Homeless Services, domestic violence surpassed eviction as the main reason for shelter entry in early 2016.

Res. No. 1292 would indicate that section 227-c of the New York State Real Property Law ("RPL") allows a victim of domestic violence with an order of protection to terminate a residential lease without penalty by petitioning the court that issued the order of protection for an order terminating the lease. Res. No. 1292 would recognize that a significant issue with the New York State law is that it requires victims to have an order of protection in order to even be eligible for an order granting a lease termination. Res. No. 1292 would state that advocates indicate that this requirement forecloses relief for thousands of domestic violence victims, as many victims choose not to obtain an order of protection because doing so could increase threats to their safety and the safety of their children.

Res. No. 1292 would recognize that another issue with the New York State law is that even if the court grants the order terminating the lease, it can take months before the lease is actually terminated because the law requires the termination date of the lease to be no earlier than 30 days and no later than 150 days after the

due date of the next rental payment subsequent to the date such order is served on the landlord. Res. No. 1292 would indicate, for instance, if the order is served upon the landlord on March 20th, and the next rental payment is due on April 1st, then the lease termination date would be at least May 1st and could be as late as September 1st. Res. No. 1292 would further indicate that victims may not be able to relocate for months even though it has been established that notwithstanding the order of protection there continues to exist a substantial risk of physical or emotional harm to the victim or the victim's children if they remain in the premises.

Res. No. 1292 would state that section 227-c of the RPL also requires the victim to give 10 days' notice to any co-tenants of the victim's intent to terminate the lease and provides co-tenants with the opportunity to be heard by the court and express opposition to a lease termination order. Res. No. 1292 would recognize that advocates argue that such provisions can jeopardize the safety of the victim in circumstances where the co-tenant is the abuser. Res. No. 1292 would acknowledge that the 10 days' notice to a co-tenant who is the abuser provides the abuser with advance notice that the victim intends to permanently flee the shared housing. Res. No. 1292 would indicate that research has shown that leaving an abuser is the most dangerous time for a victim of domestic violence, and therefore, the 10-day notice requirement could escalate the abuse and danger to the victim before the lease termination is granted.

Res. No. 1292 would recognize that providing the abuser co-tenant with the opportunity to oppose the lease termination also gives the abuser another opportunity to further extend control and coercion over the victim, as the abuser has every incentive to oppose the lease termination and keep the victim trapped in shared housing. Res. No. would acknowledge that the only alternatives for the victim at that point are to stay in an unsafe housing situation with the abuser or to terminate the lease early without court approval, thereby risking bad credit and forfeiting a security deposit.

Res. No. 1292 would indicate that it is extremely important for the New York State Legislature to enact legislation that would provide a safer and faster avenue for domestic violence victims to terminate leases. Res. No. 1292 would state that such legislation should permit a tenant to terminate a rental agreement upon written notice to the landlord and any co-tenants other than the abuser that the tenant or a dependent household member is a victim of domestic violence.

Res. No. 1292 would indicate that written notice should describe the reason for the lease termination and be accompanied by either a copy of an order of protection issued to the tenant or dependent household member who is the victim of domestic violence or a copy of a written report from a law enforcement agency indicating that the tenant or household member notified the law enforcement agency of the domestic violence.

Res. No. 1292 would recognize that such legislation should also require the written notice to be provided at least 10 days before the due date of the next rental payment, and if proper written notice is provided and all rent up to and including the month in which the notice is provided has been paid, the termination of the lease should be effective on the day after the due date of the next rental payment. Res. No. 1292 would state that the tenant should be entitled to a refund for any prepaid rent or other payments covering the period after the effective date of the lease termination as long as the tenant has vacated the premises.

Res. No. 1292 would acknowledge that any proposed legislation should prohibit the landlord from providing to an abuser any information concerning the whereabouts of the victim or dependent household member and from disclosing the lease termination as an early termination to a prospective landlord of the victim. Res. No. 1292 would further acknowledge that the landlord should also be required to change the locks upon the tenant's request and must deny a key to the abuser if the tenant is still living in the property, except that if the abuser is a co-tenant, the locks shall not be changed unless there is an order of protection excluding the abuser from the dwelling unit.

Res. No. 1292 would recognize that such legislation should also prohibit the landlord from withholding a security deposit collected in connection with a lease that is properly terminated by a domestic violence victim. Res. No. 1292 would state that any proposed bill should also include a provision stating that any lease provision waiving or modifying a tenant's rights under or exempting a landlord from the requirements of such legislation is void as against public policy. Res. No. 1292 would state that any landlord that violates such legislation should be subject to statutory damages of not less than \$1,000 and not more than \$10,000 for each violation.

Res. No. 1292 would recognize that such legislation would address the concerns raised by section 227-c of the RPL and extend relief to many domestic violence victims who are unable to terminate leases without penalty pursuant to the current New York State law. Res. No. 1292 would indicate that broadening the

circumstances under which domestic violence victims may terminate leases will allow thousands of New Yorkers to leave abusive situations without risking the safety or economic stability of their families.

Finally, Res. No. 1292 would note that the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1292:)

Res. No. 1292

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords

By Council Members Rosenthal, Crowley, Menchaca, Mendez, Cumbo, Chin, Kallos, Dromm and Eugene.

Whereas, According to the Centers for Disease Control and Prevention, one in three women and one in four men in the United States have experienced some form of intimate partner violence in their lifetime; and

Whereas, According to the Mayor's Office to Combat Domestic Violence, the New York City Police Department responded to 279,051 Domestic Incident Reports in 2015, which averages to over 764 incidents per day; and

Whereas, As the United States Department of Justice estimates that only slightly over 50 percent of domestic violence incidents are reported to police, the reality is that there are likely thousands of New Yorkers who face unsafe domestic situations on a daily basis; and

Whereas, Many domestic violence victims would be safer if they could move to a location where their abusers cannot find them, but victims often cannot move due to ongoing lease obligations and because they would incur the penalties of poor tenant history and bad credit for breaking a lease; and

Whereas, The National Network to End Domestic Violence indicates that many domestic violence victims who leave their abusers have trouble finding rental properties due to poor credit and tenant histories, making victims and their families more vulnerable to homelessness; and

Whereas, According to the New York City Department of Homeless Services, domestic violence surpassed eviction as the main reason for shelter entry in early 2016; and

Whereas, Section 227-c of the New York State Real Property Law ("RPL") allows a victim of domestic violence with an order of protection to terminate a residential lease without penalty by petitioning the court that issued the order of protection for an order terminating the lease; and

Whereas, Under section 227-c of the RPL, the court issues an order terminating the lease if the victim establishes that (1) there continues to exist a substantial risk of physical or emotional harm to the victim or victim's child if they were to remain in the dwelling unit and that relocation will substantially reduce such risk, (2) the victim attempted to obtain the landlord's voluntary consent to the lease termination and the landlord refused, and (3) the victim is acting in good faith; and

Whereas, A significant issue with the New York State law is that it requires victims to have an order of protection in order to even be eligible for an order granting a lease termination; and

Whereas, Advocates indicate that this requirement forecloses relief for thousands of domestic violence victims, as many victims choose not to obtain an order of protection because doing so could increase threats to their safety and the safety of their children; and

Whereas, Another issue with the New York State law is that even if the court grants the order terminating the lease, it can take months before the lease is actually terminated because the law requires the termination

date of the lease to be no earlier than 30 days and no later than 150 days after the due date of the next rental payment subsequent to the date such order is served on the landlord; and

Whereas, For instance, if the order is served upon the landlord on March 20th, and the next rental payment is due on April 1st, then the lease termination date would be at least May 1st and could be as late as September 1st; and

Whereas, Victims may not be able to relocate for months even though it has been established that notwithstanding the order of protection there continues to exist a substantial risk of physical or emotional harm to the victim or the victim's children if they remain in the premises; and

Whereas, Section 227-c of the RPL also requires the victim to give 10 days' notice to any co-tenants of the victim's intent to terminate the lease and provides co-tenants with the opportunity to be heard by the court and express opposition to a lease termination order; and

Whereas, Advocates argue that such provisions can jeopardize the safety of the victim in circumstances where the co-tenant is the abuser; and

Whereas, The 10 days' notice to a co-tenant who is the abuser provides the abuser with advance notice that the victim intends to permanently flee the shared housing; and

Whereas, Research has shown that leaving an abuser is the most dangerous time for a victim of domestic violence, and therefore, the 10-day notice requirement could escalate the abuse and danger to the victim before the lease termination is granted; and

Whereas, Providing the abuser co-tenant with the opportunity to oppose the lease termination also gives the abuser another opportunity to further extend control and coercion over the victim, as the abuser has every incentive to oppose the lease termination and keep the victim trapped in shared housing; and

Whereas, The only alternatives for the victim at that point are to stay in an unsafe housing situation with the abuser or to terminate the lease early without court approval, thereby risking bad credit and forfeiting a security deposit; and

Whereas, It is extremely important for the New York State Legislature to enact legislation that would provide a safer and faster avenue for domestic violence victims to terminate leases; and

Whereas, Such legislation should permit a tenant to terminate a rental agreement upon written notice to the landlord and any co-tenants other than the abuser that the tenant or a dependent household member is a victim of domestic violence; and

Whereas, The written notice should describe the reason for the lease termination and be accompanied by either a copy of an order of protection issued to the tenant or dependent household member who is the victim of domestic violence or a copy of a written report from a law enforcement agency indicating that the tenant or household member notified the law enforcement agency of the domestic violence; and

Whereas, Such legislation should also require the written notice to be provided at least 10 days before the due date of the next rental payment, and if proper written notice is provided and all rent up to and including the month in which the notice is provided has been paid, the termination of the lease should be effective on the day after the due date of the next rental payment; and

Whereas, The tenant should be entitled to a refund for any prepaid rent or other payments covering the period after the effective date of the lease termination as long as the tenant has vacated the premises; and

Whereas, Any proposed legislation should prohibit the landlord from providing to an abuser any information concerning the whereabouts of the victim or dependent household member and from disclosing the lease termination as an early termination to a prospective landlord of the victim; and

Whereas, The landlord should also be required to change the locks upon the tenant's request and must deny a key to the abuser if the tenant is still living in the property, except that if the abuser is a co-tenant, the locks shall not be changed unless there is an order of protection excluding the abuser from the dwelling unit; and

Whereas, Such legislation should also prohibit the landlord from withholding a security deposit collected in connection with a lease that is properly terminated by a domestic violence victim; and

Whereas, Any proposed bill should also include a provision stating that any lease provision waiving or modifying a tenant's rights under or exempting a landlord from the requirements of such legislation is void as against public policy; and

Whereas, A landlord that violates such legislation should be subject to statutory damages of not less than \$1,000 and not more than \$10,000 for each violation; and

Whereas, Such legislation would address the concerns raised by section 227-c of the RPL and extend relief to many domestic violence victims who are unable to terminate leases without penalty pursuant to the current New York State law; and

Whereas, Broadening the circumstances under which domestic violence victims may terminate leases will allow thousands of New Yorkers to leave abusive situations without risking the safety or economic stability of their families; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation amending the Real Property Law to allow victims of domestic violence to terminate leases upon written notice to landlords.

KAREN KOSLOWITZ, *Acting Chairperson*; ELIZABETH S. CROWLEY, BEN KALLOS; Committee on Women's Issues, October 16, 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. 1559

Report of the Committee on Higher Education in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign A.6811/S.5120, an act to establish a private student loan refinance task force.

The Committee on Higher Education, to which the annexed resolution was referred on June 15, 2016 (Minutes, page 1936), respectfully

REPORTS:

Introduction

On Monday, October 16, 2017, the Committee on Higher Education (“the Committee”), chaired by Council Member Inez D. Barron, will vote on Res. No. 1559, a Resolution calling on the New York State Legislature to pass A.6811/S.5120, an act to establish a private student loan task force. The first hearing was held on June 14, 2016. Witnesses invited to testify include representatives of the City University of New York (CUNY), the Professional Staff Congress/CUNY, CUNY faculty and staff, student groups and organizations, and various higher education advocates, in addition to other interested parties.

Resolution No. 1559

The resolution would note that in the first quarter of 2017, the Federal Reserve Bank of New York (FRBNY) reported that national outstanding student loan balances totaled \$1.34 trillion, of which 11 percent of aggregate debt was delinquent or in default. The resolution would also note that however, that \$1.34 trillion in outstanding student loan balances does not account for private student loans, credit cards, and home equity loans used to finance a college education so that, according to the Federal Reserve System, outstanding student debt actually amounts to more than \$1.4 trillion.

The resolution would note that in New York, according to a 2016 report by the New York State Comptroller, from 2006 to 2015, student loan debt more than doubled to \$82 billion and the number of student loan borrowers rose by more than 41 percent to 2.8 million. The resolution would also note that in New York City, according to the FRBNY, 16.2 percent of consumers had a student loan with an average balance of \$35,300, and 14 percent of those borrowers were at least 90 days late on their payment in the fourth quarter of 2016.

The resolution would note that on July 10, 2015, in an attempt to mitigate the burden of growing student debt, President Barack Obama issued a directive that capped borrowers' federal loan repayments to 10 percent of their income and would have forgiven debt after 20 years of payment. The resolution would also note that although United States Education Secretary Betsy DeVos reversed the directive on March 16, 2017, which had been an expansion of a program offered to borrowers with especially low income, the former directive was expected to benefit nearly six million more Americans.

The resolution would note that in order to similarly address the debt burden associated with private student loans, A.6811, sponsored by State Assembly Member Marcos Crespo, and companion bill S.5120, sponsored by State Senator Jesse Hamilton, seek to establish a private student loan refinance task force. The resolution would also note that the task force will bring together the State Comptroller, the Higher Education Services Corporation and lending institutions in New York that offer private student loans, to study and report on ways those lending institutions can be incentivized to establish student loan refinancing programs.

In conclusion, this resolution would call upon the New York State Legislature to pass and the Governor to sign A.6811/S.5120, an act to establish a private student loan refinance task force.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1559:)

Res. No. 1559

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.6811/S.5120, an act to establish a private student loan refinance task force.

By Council Members Barron, Kallos, Dromm, Rodriguez and Menchaca.

Whereas, In the first quarter of 2017, the Federal Reserve Bank of New York (FRBNY) reported that national outstanding student loan balances totaled \$1.34 trillion, of which 11 percent of aggregate debt was delinquent or in default; and

Whereas, However, that \$1.34 trillion in outstanding student loan balances does not account for private student loans, credit cards, and home equity loans used to finance a college education so that, according to the Federal Reserve System, outstanding student debt actually amounts to more than \$1.4 trillion; and

Whereas, In New York, according to a 2016 report by the New York State Comptroller, from 2006 to 2015, student loan debt more than doubled to \$82 billion and the number of student loan borrowers rose by more than 41 percent to 2.8 million; and

Whereas, In New York City (NYC), according to the FRBNY, 16.2 percent of consumers had a student loan with an average balance of \$35,300, and 14 percent of those borrowers were at least 90 days late on their payment in the fourth quarter of 2016; and

Whereas, On July 10, 2015, in an attempt to mitigate the burden of growing student debt, President Barack Obama issued a directive that capped borrowers' federal loan repayments to 10 percent of their income and would have forgiven debt after 20 years of payment; and

Whereas, Although United States Education Secretary Betsy DeVos reversed the directive on March 16, 2017, which had been an expansion of a program offered to borrowers with especially low income, the former directive was expected to benefit nearly six million more Americans; and

Whereas, In order to similarly address the debt burden associated with private student loans, A.6811, sponsored by State Assembly Member Marcos Crespo, and companion bill S.5120, sponsored by State Senator Jesse Hamilton, seek to establish a private student loan refinance task force; and

Whereas, The task force will bring together the State Comptroller, the Higher Education Services Corporation and lending institutions in New York that offer private student loans, to study and report on ways those lending institutions can be incentivized to establish student loan refinancing programs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.6811/S.5120, an act to establish a private student loan refinance task force.

INEZ D. BARRON, Chairperson; FERNANDO CABRERA, JUMAANE D. WILLIAMS, YDANIS A. RODRIGUEZ; Committee on Higher Education, October 16, 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.

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

Report for voice-vote item Res. No. 1675

Report of the Committee on Immigration in favor of approving a Resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth.

The Committee on Immigration, to which the annexed preconsidered resolution was referred on October 17, 2017, respectfully

REPORTS:

I. INTRODUCTION

On October 16th, 2017, the Committee on Immigration, Chaired by Council Member Carlos Menchaca, voted in favor of Resolution No. 1675-2017, by a vote of five to zero. The resolution authorizes the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth. The Council is set to vote on the resolution at the October 17th, 2017 Stated Meeting.

II. BACKGROUND

On September 5th, 2017, the Trump Administration announced the termination of the DACA program effective March 5, 2018. Following the announcement, multiple legal challenges were filed nationally.

a. 2012 Creation of the DACA Program

On June 15, 2012, President Barack Obama issued an executive order creating the DACA program, and directed the U.S. Department of Homeland Security (DHS) to refrain from prioritizing certain young undocumented people for deportation.¹ DACA provides for a two year deferral of deportation and work authorization to certain youth who entered the U.S. prior to age 16, resided continuously in the U.S. since June 15, 2007 or before, and who are either in school, obtained a U.S. high school diploma or General Education Development certificate (GED), or have been honorably discharged from the U.S. Coast Guard or Armed Forces, were under 31 years of age on June 15, 2012², and have not been convicted of a felony or a significant misdemeanor.³ In total, the DACA program provided temporary immigration relief to nearly 800,000

¹ www.dhs.gov/deferred-action-childhood-arrivals

² U.S. Citizenship and Immigration Services Website, available at: <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

³ www.dhs.gov/deferred-action-childhood-arrivals

DREAMers. New York State is home to roughly 42,000 DACA grantees, 30,000 of which reside in New York City.

b. 2017 Termination of the DACA Program

On June 29th, 2017, the Attorney General of the State of Texas, joined by the attorneys general of nine other states, notified the DHS of their intent to challenge the legality of the 2012 DACA program if it was not rescinded by September 5th, 2017. The attorneys general alleged that the program was unlawful, claiming that its creation constituted presidential overreach.⁴

Consequently, on September 5th, 2017, U.S. Attorney General Jeff Sessions announced the rescission of the DACA program and the DHS issued logistical guidance regarding the program's termination.⁵ DACA recipients whose relief was set to expire between September 5th, 2017 and March 5th, 2018 were permitted to file for renewal but were only given until October 5th, 2017 to submit their applications and pay the \$495 filing fee. Those whose relief expires after March 5th, 2017, will return to undocumented status on the date their DACA grant expires.⁶

II. LEGAL CHALLENGES

On September 6th, 2017, New York Attorney General Eric Schneiderman, along with attorneys general from 16 other states, filed a suit in the U.S. District Court for the Eastern District of New York alleging that the Trump Administration violated the Equal Protection clause of the U.S. Constitution by discriminating against DREAMers of Mexican origin, who make up 78% of DACA recipients; violated Due Process rights, and harmed States' residents, institutions, and economies.⁷ On October 5th, 2017, Attorney General Schneiderman amended the complaint to include a new cause of action that claims the Trump Administration violated the doctrine of equitable estoppel by failing to honor promises made to DACA grantees, including promises that information submitted on DACA applications would not be used for immigration enforcement.⁸ Attorney General Schneiderman also added a cause of action claiming that the Trump Administration denied DACA grantees their Procedural Due Process rights pursuant to the 5th Amendment by failing to provide adequate notice about the timeline for renewing DACA status, as well as the termination of the program.⁹

The DACA termination faces a separate legal challenge filed by the California Attorney General Xavier Becerra on September 11th, 2017. The suit claims that the Trump Administration discriminated against DACA recipients in violation of the Equal Protection guarantee of the 5th Amendment.¹⁰

IV. CONCLUSION

This resolution would authorize the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the DACA program, which provides temporary immigration relief to certain undocumented youth.

Accordingly, this Committee recommends its adoption.

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

⁴ <http://www.politico.com/story/2017/06/29/texas-attorney-general-end-daca-dreamers-240121>

⁵ <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>

⁶ <https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>

⁷ <https://ag.ny.gov/press-release/ag-schneiderman-files-lawsuit-protect-dreamers-and-preserve-daca>

⁸ <https://ag.ny.gov/press-release/ag-schneiderman-boosts-legal-claims-amended-multi-state-daca-lawsuit-and-announces-new>

⁹ <https://ag.ny.gov/press-release/ag-schneiderman-boosts-legal-claims-amended-multi-state-daca-lawsuit-and-announces-new>

¹⁰ <http://www.latimes.com/politics/la-pol-ca-daca-lawsuit-trump-20170911-story.html>

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, October 16, 2017.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 2 Council Members formally noted their opposition to the passage of this item:
Council Members Borelli and Matteo.

The following Council Member formally noted his abstention from voting on this item:
Council Member Gentile.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1722

By the Speaker (Council Member Mark-Viverito).

A Local Law to amend the administrative code of the city of New York, in relation to the inclusion of information on registration of rent-stabilized units and housing affordability programs on real property tax bills

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-241 to read as follows:

§11-241. Information to be included on real property tax bills. The department shall, on the real property tax bill for payment of the installment of real property tax that is due and payable on the first day of January, inform owners of class two properties, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, of their annual obligation to register any dwelling units within their building that are subject to rent stabilization pursuant to chapter four of title twenty-six with the state division of housing and community renewal. Such real property tax bill shall also include information regarding financing programs administered by the department of housing preservation and development to facilitate affordability.

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Preconsidered Int. No. 1723

By The Speaker (Council Member Mark-Viverito).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to address outstanding criminal warrants

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-303 to read as follows:

§ 9-301 Outstanding criminal warrants.

a. Definitions. As used in this chapter, the following terms have the following meanings:

"Desk appearance ticket warrant." The term "desk appearance ticket warrant" means a bench warrant issued pursuant to article 530.70 of the criminal procedure law for a desk appearance ticket as defined in section 14-101.

"Office." The term "office" means the office of criminal justice as defined in section 13 of the charter.

"Summons warrant." The term "summons warrant" means a bench warrant issued pursuant to article 530.70 of the criminal procedure law for a criminal summons as defined in section 14-101.

b. The office shall ensure that the records of outstanding criminal warrants maintained by the New York city police department are consistent with the records of the office of court administration.

c. The office shall take all measures necessary to facilitate the reduction of outstanding criminal warrants, including but not limited to organizing and implementing events for the purpose of vacating criminal warrants.

d. The office shall establish a means for members of the public to rectify inaccurate warrants.

e. No later than February 1, 2018 and every February 1 thereafter, the office shall prepare and submit to the mayor, the council and post on the office's website an annual report regarding the number of outstanding warrants in the city, the number of warrants vacated during the previous calendar year, and recommendations for any programming, events, or other efforts that the city or state could take to reduce the number of outstanding criminal warrants. Such report shall also include, for the previous calendar year:

- 1. the disposition of vacated summons warrants;*
- 2. the disposition of vacated desk appearance ticket warrants;*
- 3. the number of open summons warrants, in total and disaggregated by the (a) defendant's age; (b) defendant's gender; (c) defendant's race and ethnicity; (d) charge of the underlying offense; and (e) year such summons was issued;*
- 4. the number of open desk appearance ticket warrants, in total and disaggregated by the (a) defendant's age; (b) defendant's gender; (c) defendant's race and ethnicity; (d) charge of the underlying offense; and (e) year such summons was issued; and*
- 5. the number of open criminal warrants that are neither desk appearance ticket warrants nor summons warrants, in total and disaggregated by the (a) defendant's age; (b) defendant's gender; (c) defendant's race and ethnicity; (d) charge of the underlying offense; and (e) year such summons was issued.*

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

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 1724

By The Speaker (Council Member Mark-Viverito) and Council Member Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to disclose gun violence information to applicants for firearm licenses and permits

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-313 to read as follows:

10-313 Mandatory disclosure of gun violence information. Prior to issuing a license or permit for possession of a firearm, the department must provide applicants with the following statement in printed form: "Warning: The presence of a firearm in the home is associated with an increased risk of suicide, death during domestic violence disputes, and unintentional deaths to children and others."

§2. This local law takes effect in 120 days.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Res. No. 1675

Resolution authorizing the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth

By the Speaker (Council Member Mark-Viverito) and Council Members Kallos and Menchaca.

Whereas, Undocumented immigrant youth and young adults who were brought to the United States (U.S.) as children and know no other home are often called "DREAMers;" and

Whereas, The term stems from the DREAM Act of 2001, a federal bill that would have provided young immigrants with conditional immigration relief and a pathway to citizenship; and

Whereas, The DREAM Act of 2001 was not passed by Congress and subsequent re-introductions of the bill have also stagnated in Congress; and

Whereas, The Migration Policy Institute (MPI) estimates that, of the 11 million undocumented immigrants in the U.S., between 2.5 and 3 million are considered DREAMers; and

Whereas, Recognizing the need to support DREAMers, then President Barack Obama established the Deferred Action for Childhood Arrivals (DACA) program through executive order in 2012; and

Whereas, The DACA program provided temporary immigration relief and work authorization to nearly 800,000 DREAMers who met strict age, residency and education criteria, and who did not pose a threat to public safety; and

Whereas, DREAMers, including those who were not eligible for the DACA program, bolster the American economy and contribute an estimated \$2 billion a year in state and local taxes; and

Whereas, On June 29th, 2017, the Attorney General of the State of Texas, joined by the attorneys general of nine other states, notified the Department of Homeland Security (DHS) of their intent to challenge the legality of the 2012 DACA program if it was not rescinded by September 5th, 2017; and

Whereas, The attorneys general alleged that the program was unlawful, claiming that it was created through presidential overreach; and

Whereas, On September 5th, 2017, U.S. Attorney General Jeff Sessions announced the rescission of the DACA program and the DHS issued logistical guidance regarding the program's termination; and

Whereas, New York City is home to roughly 30,000 DACA recipients who contribute daily to the City's cultural and economic vibrancy; and

Whereas, On September 6th, 2017, New York Attorney General Eric Schneiderman, along with attorneys general from 16 other states, filed a suit to protect DACA grantees in the U.S. District Court for the Eastern District of New York; and

Whereas, The suit alleges that the Trump Administration has violated the Equal Protection clause of the Constitution by discriminating against DREAMers of Mexican origin, who make up 78% of DACA recipients; violated Due Process rights, and harmed States' residents, institutions, and economies; and

Whereas, On October 5th, 2017, Attorney General Schneiderman amended the complaint to include a new cause of action that claims the Trump Administration violated the doctrine of equitable estoppel by failing to honor promises made to DACA grantees, including promises that information submitted on DACA applications would not be used for immigration enforcement; and

Whereas, On the same day, Attorney General Schneiderman also added a cause of action that claims that the Trump Administration denied DACA grantees their Procedural Due Process rights pursuant to the 5th Amendment by failing to provide adequate notice about the timeline for renewing DACA status, as well as the termination of the DACA program after March 5th, 2018; and

Whereas, On September 11th, 2017, California Attorney General Xavier Becerra filed a separate legal action, claiming that the Trump Administration discriminated against DACA recipients in violation of the Equal Protection guarantee of the 5th Amendment; and

Whereas, the New York City Council deeply values the contributions made by DREAMers and is committed to defending their rights through advocacy at the state and federal level, as well as by filing or joining amicus briefs that align with the Council's position in support of DREAMers and DACA grantees; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to file or join amicus briefs on behalf of the Council in litigation challenging the rescission or modification of the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary immigration relief to certain undocumented youth.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Immigration).

Preconsidered Res. No. 1676

Resolution opposing H.R.367/S. 59, known as “the Hearing Protection Act of 2017,” eliminating the transfer tax on firearm silencers and treating any person who acquires a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer.

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Kallos, Cohen and Williams

Whereas, A firearm silencer is a device that attaches to the barrel of a firearm and reduces the amount of noise generated by firing; and

Whereas, In addition to reducing the volume of a gunshot, firearm silencers tend to alter the sound in a manner that makes the sound unidentifiable as a gunshot, thereby reducing or eliminating attention drawn to the shooter; and

Whereas, In an active shooter situation, firearm silencers make it harder for victims, bystanders and law enforcement to identify and react quickly to gunshots; and

Whereas, Law enforcement representatives have opposed the rollback of silencer safety laws because being able to hear and identify gunshots is an important safety feature and such laws are effective at keeping silencers out of the wrong hands; and

Whereas, One such law, the National Firearms Act (NFA), passed in 1934 in an effort to crack down on organized crime, requires buyers of silencers, machine guns, and other especially dangerous weapons to pass criminal background checks and comply with other common-sense safety provisions in order to buy these dangerous products; and

Whereas, H.R.367/S. 59 would remove silencers from the NFA, meaning felons, domestic abusers, and the dangerously mentally ill would be able to buy a firearm silencer with no background check; and

Whereas, New York is one of eight states that have explicitly banned any civilian from possessing a firearm silencer; and

Whereas, H.R.367/S. 59 would override state laws and block states from enforcing their own laws regarding silencers; and

Whereas, Though the bill is presented as “The Hearing Protection Act,” there is no evidence of a public health issue associated with hearing loss from gunfire; and

Whereas, There are more effective ways to protect the hearing of gun users, including readily available ear protection; now, therefore, be it

Resolved, That the Council of the City of New York opposes H.R. 367/S. 59, known as “the Hearing Protection Act of 2017,” eliminating the transfer tax on firearm silencers and treating any person who acquires a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Res. No. 1677

Resolution calling on Congress and the President to oppose H.R.38/S.446, known as the “Concealed Carry Reciprocity Act of 2017,” and related bill S. 446 known as the “Constitutional Concealed Carry Reciprocity Act of 2017” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

By The Speaker (Council Member Mark-Viverito) and Council Member Gibson.

Whereas, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

Whereas, Both New York State and New York City have instituted stringent procedures governing the lawful possession and carrying of a handgun; and

Whereas, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

Whereas, The application process entails meeting strict eligibility requirements and a finding of there being no good cause to deny the license, including: (i) the person is of good moral character, (ii) older than 21 years old, (iii) never convicted of a felony, or serious offense, (iv) not a fugitive from justice, (v) not an unlawful or addicted user of any controlled substance, (vi) not an undocumented immigrant or admitted under a nonimmigrant visa, (vii) has not been dishonorably discharged from the Armed Forces, (viii) has not renounced his or her United States citizenship, (ix) stating if he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (x) having had a license revoked, suspended, or declared ineligible under state law, (xi) had a legal guardian appointed due to mental incapacity or lacks the mental capacity to manage his or her own affairs; and

Whereas, New York State has given the New York City Police Commissioner the authority to grant and issue licenses to carry firearms in New York City; and

Whereas, The Licensing Division of the New York City Police Department (“NYPD”) rigorously screens each applicant prior to granting a license; and

Whereas, The NYPD’s Licensing Division requires an in-person interview, tax returns, and performs a thorough background check which includes the inspection of sealed criminal records; and

Whereas, Applicants can be denied because they have a history of driving under the influence of alcohol, have unpaid traffic tickets, or simply because they were uncooperative during the application process; and

Whereas, New York City does not recognize out-of-city permits; and

Whereas, A New York State permit is valid throughout the State except in New York City where such individual needs to obtain a special permit to validate such permit from the NYPD; and

Whereas, Although New York State and City possess these safeguards, there is a bill pending in Congress that would undermine New York's efforts; and

Whereas, Representative Richard Hudson introduced H.R.38, known as the “Concealed Carry Reciprocity Act of 2017”; and

Whereas, Senator John Cornyn introduced S.446, known as the “Constitutional Concealed Carry Reciprocity Act of 2017”; and

Whereas, H.R.38/S.446 would amend the United States Code to authorize an individual who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit which is issued pursuant to the law of the State and which permits the person to carry a concealed firearm or is entitled to carry a concealed firearm in the State in which the person resides, to possess or carry a concealed handgun in any State and be exempt from the federal prohibition on possessing a firearm in a school zone, and to carry or possess a concealed handgun on federally owned lands that are open to the public;

Whereas, H.R.38/S.446 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

Whereas, H.R.38/S.446 would therefore undermine the strict New York State and City licensing standards and create a loophole for those seeking to carry conceal handguns; and

Whereas, H.R.38/S.446 would allow concealed carry permit holders from outside New York State and City to freely carry their loaded handguns in crowded tourist destinations and bustling business areas; and

Whereas, H.R.38/S.446 would allow states with the weakest gun laws to dictate who may carry a handgun in New York State and City; and

Whereas, If H.R.38/S.446 were enacted, the law would create serious and potentially life-threatening situations for law enforcement officers and make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

Whereas, Each state and local municipality should be able to determine for itself who may carry a concealed handgun within its borders; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress and the President to oppose H.R.38, known as the “Concealed Carry Reciprocity Act of 2017,” and related bill S. 446 known as the “Constitutional Concealed Carry Reciprocity Act of 2017” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Int. No. 1725

By Council Members Barron and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to status updates on contracts funded pursuant to discretionary appropriations

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended to add a new section 6-142 to read as follows:

§6-142 Reporting on discretionary funded contracts. The city chief procurement officer shall issue, upon request of a council member, a report to such council member within five days of such request with the status of contracts funded pursuant to discretionary appropriations of such council member. Such report shall be disaggregated by fiscal year and contracting agency and shall contain, for each applicable contract: (a) the total amount of funds allocated in the fiscal year by the contracted entity for the provision of services under the contract and (b) the total amount of funds reimbursed to the contracted entity in the fiscal year by the contracting agency for the provision of services under the contract.

§2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 1726

By Council Members Constantinides, Vacca and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of wind maps demonstrating wind energy generation potential within the city.

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-806 to read as follows:

§ 24-806 Wind resource assessment. By no later than June 30, 2018, and in every fifth year thereafter, the department of environmental protection, or an office or agency designated by the mayor, shall conduct a wind resource assessment to identify and map the areas of the city in which installation of (i) a wind turbine appurtenant to a building that has a height of 100 feet or more, (ii) a wind turbine appurtenant to a building of any height located in a waterfront area or (iii) a freestanding wind turbine in a waterfront area, would be able to effectively utilize winds that have an average speed of at least 11 miles per hour or more for at least three months during the year. Such assessment shall be made publicly available online together with a description of the methodology used to conduct such assessment. For the purposes of this section, the term “waterfront area” shall have the meaning ascribed to such term in the New York city zoning resolution.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1727

By Council Member Constantinides.

A Local Law to amend the New York city noise control code, the administrative code of the city of New York and the New York city building code, in relation to small wind turbines

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of the New York city noise control code is amended by adding a new section 24-232.1 to read as follows:

§ 24-232.1 *Small wind turbines.* No person shall cause or permit operation of a small wind turbine, as such term is defined in section 426.2 of the New York city building code, so as to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 319 to read as follows:

ARTICLE 319

MAINTENANCE AND REMOVAL OF SMALL WIND TURBINES

§ 28-319.1 *Maintenance.* The owner of a small wind turbine or small wind turbine tower, as such terms are defined in section 426.2 of the New York city building code, shall maintain such turbine and tower in good condition.

§ 28-319.2 *Removal.* The owner of a small wind turbine, as such term is defined in section 426.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since installation exceeds the manufacturer's suggested useful life of such turbine or (ii) such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner, provided that the commissioner shall by rule establish a timeframe for removing small wind turbines that do not have manufacturer's suggested useful lives.

§ 3. Chapter 4 of the New York city building code is amended by adding a new section BC 426 to read as follows:

**SECTION BC 426
SMALL WIND TURBINES**

426.1 General. In addition to other applicable requirements in this code, other law or rule, and established by the commissioner, small wind turbines shall be designed and constructed in accordance with this section.

426.2 Definitions. The following words and terms shall for the purposes of this section have the meanings shown herein.

SMALL WIND TURBINE. A turbine that is designed to use wind to generate no more than 100 kW (105 Btu/h) of electricity.

SMALL WIND TURBINE TOWER. A structure that supports a small wind turbine.

426.3 Design standards. A small wind turbine shall be designed in accordance with standards adopted by rules of the commissioner. Such standards shall include but need not be limited to standards relating to the design of small wind turbines that are developed by the American Wind Energy Association, the New York State Energy Research and Development Authority, the California Energy Commission, the Small Wind Certification Council, the British Wind Energy Association, the International Electrotechnical Commission, the National Renewable Energy Laboratory, or the Underwriters Laboratory.

426.4 Wind speed. A small wind turbine shall be designed to withstand winds of up to and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or the design standard for such turbine pursuant to Section 426.3.

426.5 Brakes and locks. Where deemed necessary by the commissioner, a small wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.

426.5.1 Locking before hurricane or strong wind conditions. If a hurricane or strong wind conditions are expected, the commissioner may order that small turbines equipped with passive locks be stopped and locked.

426.6 Visual appearance. A small wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.

426.7 Lighting. A small wind turbine shall not be artificially lighted.

Exception: Lighting that is required by this code or other applicable laws or rules, provided that such lighting is shielded in accordance with rules promulgated by the commissioner.

426.8 Access. Access to a small wind turbine shall be limited as follows:

1. Access to electrical components of a small wind turbine shall be prevented by a lock.
2. A small wind turbine tower shall not be climbable, except by authorized personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.

426.9 Noise. A small wind turbine shall be designed so that, at wind speeds of less than or equal to 25 mph (11.2 m/s), such turbine will not cause a sound level that is more than 5 dB(A) above the ambient sound level, as measured at the property line of the property containing the nearest dwelling unit.

426.10 Shadow flicker. The commissioner shall by rule establish shadow flicker limitations for small wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.

426.11 Signal interference. The commissioner shall establish rules governing small wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.

426.12 Setback. No part of a small wind turbine or small wind turbine tower shall be located within a horizontal distance of a property line that is equal or less than one-half the height of such turbine, including such tower, measured from the base of such tower or, if there is no such tower, the base of such turbine.

Exception: Each owner of property adjacent to such property line has entered into a written agreement providing that such turbine or tower or a part thereof may be located closer to such property line than this section allows.

§ 4. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 1728

By Council Member Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to a pilot project for installing moss wall units in the city

Be it enacted by the Council as follows:

Section 1. Moss wall units pilot project. a. Definitions. As used in this local law, the following terms have the following meanings:

Moss wall unit. The term “moss wall unit” means a wall or vertical structure containing natural moss plants and moss culture used for the purpose of capturing airborne pollutants and reducing greenhouse gas emissions.

City building. The term “city building” means a building that is more than 10,000 gross square feet, as it appears in the records of the department of finance, that is owned by the city or for which the city regularly pays all of the annual energy bills, provided that two or more buildings on the same tax lot shall be deemed to be one building.

b. Installation of moss wall units. No later than September 30, 2018, one or more offices or agencies designated by the mayor, shall install, or cause to be installed, moss wall units in at least 3 locations in the city, in accordance with the following criteria:

1. At least 1 moss wall unit shall be installed at or near a city building that was built before the year 1968.

2. At least 1 moss wall unit shall be installed at or near a city building that was built after the year 1968 and before the year 2000.

3. At least 1 moss wall unit shall be installed at or near a city building that was built after the year 2000.

4. All moss wall units shall be installed adjacent to a vent or exhaust carrying emissions from the city building to the outdoors, such that the outflow of the said emissions can be directed at the moss wall unit, allowing the said emissions to come into direct contact with the moss wall unit.

c. Report. No later than September 30, 2019, one or more offices or agencies designated by the mayor shall submit to the mayor and council a report analyzing the feasibility and appropriateness of installation of moss wall units throughout the city. Such report shall include, but need not be limited to:

1. An analysis of the costs and benefits of acquisition, installation, operation and maintenance of moss wall units in the city, including a review of the effectiveness of the moss wall units installed pursuant to subdivision b of this section with respect to reduction of greenhouse gas emissions and capturing of airborne pollutants, as well as other environmental benefits, security or other concerns and any available federal or state funds or incentives for the acquisition, installation, operation or maintenance of such systems; and

2. Substantive recommendations regarding whether and where to install more moss wall units throughout the city.

§ 2. This local law takes effect immediately and is deemed repealed following the submission to the mayor and council of a report in accordance with subdivision c of section 1 of this law.

Referred to the Committee on Environmental Protection.

Int. No. 1729

By Council Member Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to requiring an agency designated by the mayor to maintain a database of the occupancy and vacancy of all community facility spaces

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.1 to read as follows:

§ 3-119.1 Database of community facility spaces. a. Definitions. For the purposes of this section, the term “community facility space” means any building or portion of a building designated for specified community facility uses pursuant to sections 12-10, 22-13, and 22-14 of the zoning resolution.

b. An agency designated by the mayor shall maintain a public online searchable database that shall include all community facility spaces within the city of New York that are in existence as of the effective date of the local law that added this section and all locations within the city of New York that are subsequently designated as community facility spaces. Locations that are subsequently no longer designated as community facility spaces shall be deleted from the database. Updates to such database shall be made within 6 months following any addition or change to the data in such database. Such database shall be posted on the city’s website, shall have the ability to produce reports by query, shall be published to the city’s open data portal, and shall include, but not be limited to, the following information:

- 1. The location of the community facility space, including the borough, community board district, block and lot number, and any commonly known name;*
- 2. A brief description of the type of community facility space;*
- 3. The name and address of any current occupants of the community facility space, or alternatively the status of vacancy; and*
- 4. Any other information deemed relevant by the agency designated by the mayor to maintain such database.*

c. No later than 1 year after the local law that created this section takes effect, and annually thereafter, the department of information technology and telecommunications shall certify to the agency designated by the mayor to maintain the searchable database established pursuant to this section that such database is substantially complete online and in the open data portal with respect to the categories of information required by this section.

§ 2. This local law takes effect 1 year after it becomes law, except that the agency designated by the mayor, as set forth in section one of this local law, and the department of information technology and telecommunications may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Technology.

Int. No. 1730

By Council Members Crowley, Constantinides and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring seatbelt signage on school buses

Be it enacted by the Council as follows:

Section 1. Section 19-602 of the administrative code of the city of New York is amended to read as follows:

§ 19-602. a. All buses or other motor vehicles engaged in the business of transporting handicapped children to and from schools in the city shall be equipped with seat belts for each seat on such a bus, or other safety [appliances]devices prescribed by the national bureau of standards or other authorized governmental agencies promulgating rules relating to auto safety.

b. All school buses subject to subdivision a of this section or equipped with seat belts pursuant to section 383 of the vehicle and traffic law shall prominently display signage:

- 1. Explaining the relevant requirements;*
- 2. Providing instructions on the proper usage of such seat belts; and*
- 3. Stating “buckle up.”*

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

Referred to the Committee on Transportation.

Int. No. 1731

By Council Members Crowley, Constantinides and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to meet certain standards for fire hydrant repairs

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-308.1 to read as follows:

§ 24-308.1 *Fire hydrant repair time standards and tracking.* a. *For purposes of this section, the term “high-priority hydrant” means a hydrant:*

1. *Located near a hospital, a school or senior-citizen housing;*

2. *That is the only operative hydrant on a block; or*

3. *That belongs to a category determined by the department to qualify as high priority*

b. *The department shall establish written standards for governing responses to fire hydrant complaints.*

c. *After being notified that a hydrant is inoperable, the department shall repair any high-priority hydrant within seven calendar days and non-high-priority hydrant within 10 calendar days.*

d. *The department shall post on its website, in real time, the following information:*

1. *All fire hydrant complaints received;*

2. *The location of each inoperable fire hydrant, whether it is a high-priority hydrant and whether it was repaired on time;*

3. *A list of all requests for hydrant repairs that will require more than 10 calendar days to complete, why the repair will take longer than 10 calendar days and whether each hydrant is a high-priority hydrant; and*

4. *The number of fire hydrants that need repairs more than once a calendar quarter, their locations, the steps to be taken to determine the cause of regular inoperability and mitigation steps the department will take to prevent future inoperability*

e. *The department shall submit to the mayor and speaker of the council an annual report on the information collected in subdivision d of this section. The information shall be aggregated citywide and disaggregated by borough and council district.*

§ 2. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of environmental protection shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Res. No. 1678

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, legislation providing higher Medicaid reimbursement rates to health practitioners offering care in specialized fields, including but not limited to obstetric services.

By Council Member Crowley.

Whereas, Medicaid is a jointly funded, federal-state health insurance program that provides free or low cost health coverage to an estimated 69 million Americans; and

Whereas, Medicaid covers a broad range of people, including low-income people, families and children, pregnant women, the elderly and people with disabilities; and

Whereas, The New England Journal of Medicine indicates that Medicaid coverage significantly improves financial security, access and use of preventive health care, and access to primary care, along with a wide range of other positive health outcomes; and

Whereas, According to the Henry J. Kaiser Family Foundation, access to health practitioners offering care in specialized fields is an ongoing challenge for Medicaid enrollees, largely due to low Medicaid reimbursement rates; and

Whereas, According to The Commonwealth Fund, lack of access to timely specialized care can result in adverse medical outcomes and potentially higher costs from avoidable emergency department visits and hospitalizations; and

Whereas, In 2013, Medicaid reimbursement fees increased nationally (known as the “fee bump”) under the Affordable Care Act (ACA), for eligible primary care physicians, but, this did not target specialized fields and expired in December of 2014, reducing New York primary care physicians’ Medicaid reimbursement fees by more than 50%; and

Whereas, In 2016, the Henry J. Kaiser Family Foundation calculated New York’s Medicaid-to-Medicare fee index for all services, indicating that in New York, Medicaid only pays physicians 56% of what Medicare pays the same physicians, ranking in the lowest 10% of states in the United States; and

Whereas, According to a 2017 survey by Merritt Hawkins, a national physicians search and consulting firm, the average number of New York City physicians who accept Medicaid across five specialties, including Cardiology and Obstetrics-Gynecology, has decreased from 45.8% in 2009 to 39% in 2017; and

Whereas, This decrease in Medicaid acceptance from 2009 to 2017 is most likely due to low reimbursement rates to specialists in which the cost of providing the service is more than the actual reimbursed fee from Medicaid and/or Medicaid reimbursement is relatively low compared to that of other payers; and

Whereas, According to the New York City Department of Health and Mental Hygiene’s June 2017 yearly report on Medicaid Global Spending Cap , the total Medicaid provider spending that occurred through June 2017 for New York City was approximately \$4 billion; and

Whereas, In Fiscal Year 2018, New York State’s Medicaid program is estimated to provide services to over 6 million individuals through a network of more than 80,000 health care providers and over 90 managed care plans, expecting to total \$65 billion; and

Whereas, New York should explore ways to fund higher Medicaid reimbursement rates for physicians offering care in specialized fields; and

Whereas, Higher Medicaid reimbursement rates for physicians that offer care in specialized fields are needed to improve specialist provider participation, patient access to care, and the health care system; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the New York State Governor to sign, legislation to provide higher Medicaid reimbursement rates to health practitioners offering care in specialized fields, including but not limited to obstetric services

Referred to the Committee on Health.

Int. No. 1732

By Council Member Espinal

A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of consumer affairs

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 Chapter 11 to read as follows:

Chapter 11.
Photographic Evidence of Violations

§ 20-937 *Photographic Evidence of Violations.* a. All notices of violation issued by the department for a violation, which as determined by the commissioner by rule is viewable and capable of being captured by photograph, shall contain a photograph of the underlying condition resulting in the violation.

b. The official record of any subsequent inspection of violations subject to the requirement established in subdivision a of this section and for which a violator was granted an opportunity to cure, must include a photograph confirming that such violation has been cured.

c. The department shall publish on its website a list of violations subject to the requirements of subdivision a of this section.

§ 2. This local law shall take effect 120 days after its enactment except that except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Consumer Affairs.

Int. No. 1733

By Council Member Espinal

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to conduct property assessment education events in each borough

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 2 of title 11 of the administrative code of the city of New York is amended to add a new section 11-207.2 to read as follows:

§11-207.2 *Property assessment education events.* a. 1. The commissioner shall organize and conduct property assessment education events during which the department shall provide property owners with information regarding the valuation and assessment of real property by the department.

2. Such property assessment education events shall occur in at least two separate locations within each borough on an annual basis. The first such property assessment education event shall commence on or before February 1, 2018.

3. Each property assessment education event shall include, but not be limited to, information regarding: (a) the department's method of determining the market and assessed values of properties in each property class; (b) how to understand the notice of property value and property tax bill sent by the department to an owner of real property; (c) how to appeal a property assessment with the tax commission; (d) property tax exemptions, including eligibility and the process of applying for such exemptions; and (e) any other information that the department may deem necessary.

4. The commissioner shall ensure that departmental staff are available at each property assessment education event to assist individuals with application for a property tax exemption or for appeal of property valuation.

5. Any lectures or educational materials designed for the purpose of conducting such property assessment education events pursuant to this section shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning. Such educational materials shall be available on the department's website.

b. On June 30, 2018, and annually thereafter, the department shall submit to the speaker of the council a report related to the property assessment education events held during the prior 12 month period. Such report shall include, but not be limited to: (i) the number of property assessment education events held; (ii) the location of each property assessment education event; (iii) the number of participants in each property

assessment education event, disaggregated by location; (iv) the number of individuals assisted with applications for property tax exemptions, disaggregated by location; and (v) the number of individuals assisted with applications for appeal of the assessment of their property, disaggregated by location.

§2. This local law takes effect immediately after becoming law.

Referred to the Committee on Finance.

Int. No. 1734

By Council Member Espinal

A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of buildings

Be it enacted by the Council as follows:

Section 1. Chapter 2 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.5 to read as follows:

§28-201.5 *Photographic Evidence of Violations.* a. All notices of violation issued by the department for a violation, which as determined by the commissioner by rule is viewable and capable of being captured by photograph, shall contain a photograph of the underlying condition resulting in the violation.

b. The official record of any subsequent inspection of violations subject to the requirement established in subdivision a of this section and for which a violator was granted an opportunity to cure, must include a photograph confirming that such violation has been cured.

c. The department shall publish on its website a list of violations subject to the requirements of subdivision a of this section.

§ 2. This local law shall take effect 120 days after its enactment except that except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1735

By Council Member Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Article 1 of Subchapter 5 of Title 27 of the administrative code of the city of New York is amended by adding a new section 27-2115 to read as follows:

§ 27-2115 *Photographic Evidence of Violations.* a. All notices of violation issued by the department for a violation, which as determined by the commissioner by rule is viewable and capable of being captured by photograph, shall contain a photograph of the underlying condition resulting in the violation.

b. The official record of any subsequent inspection of violations subject to the requirement established in subdivision a of this section and for which a violator was granted an opportunity to cure, must include a photograph confirming that such violation has been cured.

c. The department shall publish on its website a list of violations subject to the requirements of subdivision a of this section.

§ 2. This local law shall take effect 120 days after its enactment except that except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1736

By Council Members Eugene, Mealy and Menchaca.

A Local Law to amend the New York city charter, in relation to requiring the department of small business services to report on its Workforce Development Centers

Be it enacted by the Council as follows:

Section 1. Chapter 56 of the New York city charter is amended by adding a new section 1309 to read as follows:

§ 1309. *Workforce Development Centers. a. For the purpose of this section:*

Adult. The term “adult” means a person aged 18 years and over who is unemployed because they do not have significant work experience, they were terminated, or laid off.

Community Partner. The term “community partner” means city agencies and community based organizations that partner with the department to provide workforce development services such as job training, education programs, financial literacy, and social services including, but not limited to, mental health counseling, substance abuse treatment and counseling, child care assistance, criminal justice counseling, and housing assistance.

Disconnected Youth. The term “disconnected youth” means youth between the ages of 18 and 24 years, who are neither attending school or employed.

Follow-up services. The term “follow-up services” means services that track the progress of disconnected youth in employment after they receive workforce development services for at least 12 months. Such services include, but are not limited to, regular contact with a disconnected youth's employer, assistance in addressing work-related problems, assistance in securing better paying jobs, career development and further education, work-related peer support groups, and adult mentoring.

Workforce1 Center. The term “Workforce1 Center” means a location, under the jurisdiction of the department, which delivers workforce development services that include, but are not limited to, job skills training, education programs, resume building, interview preparation, employment workshops, and recruitment events.

b. The commissioner shall submit to the speaker of the council and post on the department's website on a semi-annual basis, beginning on June 1, 2018, a report containing information pertaining to the utilization rates at Workforce1 Centers for the prior six months. Such semi-annual report shall include, but not be limited to, the following information:

- 1. The number of adults who registered, whether in person or online;*
- 2. The number of disconnected youth who registered, whether in person or online;*
- 3. The number of veterans who registered, whether in person or online;*
- 4. The number of adults with a disability who registered disaggregated by the type of disability;*
- 5. The number of disconnected youth with a disability who registered disaggregated by the type of disability;*
- 6. The number of adults who are parents and whether they have access to child care;*
- 7. The number of disconnected youth who are parents and whether they have access to child care;*
- 8. The educational attainment, work experience, and income of all the adults who registered;*
- 9. The educational attainment, work experience, and income of all the disconnected youth who registered;*
- 10. The number of adults who are receiving services from city agencies, the type of services they are receiving, and the city agency providing the service;*
- 11. The number of disconnected youth who are receiving services from city agencies, the type of services they are receiving, and the city agency providing the service;*

12. *The number of job training programs and their descriptions offered by Workforce1 Centers and community partners to adults;*
 13. *The number of job training programs and their descriptions offered by Workforce1 Centers and community partners to disconnected youth;*
 14. *The number of adults who enrolled and completed a job training program disaggregated by the Workforce1 Center or community partner where such training took place;*
 15. *The number of disconnected youth who enrolled and completed a job training program disaggregated by the Workforce1 Center or community partner where such training took place;*
 16. *A list of the education programs and their descriptions offered by Workforce1 Centers and community partners;*
 17. *The number of adults who enrolled and completed an education program disaggregated by the Workforce1 Center or community partner that offered the education program;*
 18. *The number of disconnected youth who enrolled and completed an education program disaggregated by the Workforce1 Center or community partner that offered the education program;*
 19. *A list of employers to which the department or community partner referred adults for employment disaggregated by industry;*
 20. *A list of employers to which the department or community partner referred disconnected youth for employment disaggregated by industry;*
 21. *The number of adults who accepted full-time positions; the names of the employers that hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 22. *The number of disconnected youth who accepted full-time positions; the names of the employers that hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 23. *The number of adults who accepted part-time positions; the names of the employers who hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 24. *The number of disconnected youth who accepted part-time positions; the names of the employers who hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 25. *The number of adults who accepted per diem positions; the names of the employers that hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 26. *The number of disconnected youth who accepted per diem positions; the names of the employers that hired them disaggregated by industry and position; and the hourly starting wage or compensation rate;*
 27. *The number of registered adults, disaggregated by age, gender, race, and ethnicity, who returned to Workforce1 Centers or community partners to look for new jobs, to receive additional job training, or to enroll in a postsecondary educational program;*
 28. *The number of registered disconnected youth, disaggregated by age, gender, race, and ethnicity, who returned to Workforce1 Centers or community partners to look for new jobs, to receive additional job training, or to enroll in a postsecondary educational program;*
 29. *The number of court involved adults who the department served in its Workforce1 Centers;*
 30. *The number of court involved disconnected youth who the department served in its Workforce1 Centers;*
 31. *The number of adults who the department referred to community partners to address issues that include, but are not limited to, child care, housing, health care and substance abuse, criminal justice, and language and cultural barriers;*
 32. *The number of disconnected youth who the department referred to community partners to address issues that include, but are not limited to, child care, housing, health care and substance abuse, criminal justice, and language and cultural barriers;*
 33. *The number of disconnected youth receiving follow-up services and the type of follow-up services they are receiving.*
- c. *All information required by this section shall be disaggregated by age, gender, race, and ethnicity; and the location of the Workforce1 Center where such registration took place, disaggregated by borough, council district, and community district.*
 - d. *No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of an*

individual's information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1737

By Council Members Ferreras-Copeland and Vacca (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Morris Park business improvement district

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-491 to read as follows:

§ 25-491 *Morris Park business improvement district.* a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of the Bronx, the Morris Park business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the Morris Park business improvement district is based.*

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

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York.

Referred to the Committee on Finance.

Preconsidered Res. No. 1679

Resolution concerning the establishment of the Morris Park Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district

By Council Member Ferreras-Copeland.

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (“the Law”), the Mayor, by authorization dated March 1, 2017, provided for the preparation of a district plan (“the Plan”) for the Morris Park Business Improvement District (“the District”) in the Borough of the Bronx; and

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

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services submitted the Plan to the City Planning Commission (“the CPC”) on May 30, 2017; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the City Council on June 1, 2017; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the Council Members representing the council districts in which the proposed District is located on June 1, 2017; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the community board for the community district in which the proposed District is located (Bronx Community Board Number 11, hereinafter “the Community Board”) on May 31, 2017; and

WHEREAS, the CPC submitted the Plan to the Bronx Borough President on June 1, 2017; and

WHEREAS, pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, the Community Board conducted a public hearing on the establishment of the District on June 22, 2017; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Bronx Borough President, to the City Council, and to the Council Members representing the council districts in which the proposed District is located; and

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC’s report, together with the original Plan, was transmitted for filing with the City Clerk on August 16, 2017; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the Plan and the CPC’s report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) October 31, 2017 is the date and 10:00 A.M. is the time and the City Council Committee Room, City Hall, 2nd Floor, is the place for a public hearing (“the Public Hearing”) to hear all persons interested in the establishment of the District;

(ii) the Morris Park BID Steering Committee shall, not less than ten nor more than thirty days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District;

(iii) the Department of Small Business Services shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the Public Hearing; and

(iv) in the event that the Morris Park BID Steering Committee mails, or the Department of Small Business Services arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1738

By Council Members Koo, Chin and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for service requests or complaints

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

§ 23-304 Service requests or complaints by video or photograph. Any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public shall be capable of receiving image and video data in connection with all requests for service or complaints other than those relating to housing. Such data shall be transmitted to an agency as appropriate and be made available to inspectors or other relevant persons within such agencies.

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

Referred to the Committee on Technology.

Int. No. 1739

By Council Members Levin and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to exits from domestic violence emergency shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-139 to read as follows:

§ 21-139 Exits from domestic violence shelters. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Affordable housing. The term “affordable housing” means any housing where the rent for such housing is calculated using a percentage of the income of the person residing in such housing. The term “affordable housing” does not include New York city housing authority units or supportive housing.

Domestic violence emergency shelter. The term “domestic violence emergency shelter” means time-limited housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to section 459-b of the social services law.

Domestic violence tier II shelter. The term “domestic violence tier II shelter” means housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.

Rental subsidy voucher. The term “rental subsidy voucher” means a subsidy established by the department or the department of homeless services to move households out of emergency shelter or prevent entry into emergency shelter by subsidizing such household’s rent. The term “rental subsidy voucher” includes

subsidies provided through the living in communities rental assistance program, the city family eviction prevention supplement program and the city family exit plan supplement, the city special exit and prevention supplement, the home tenant-based rental assistance program, and any successor programs.

Supportive housing. The term "supportive housing" means affordable, permanent housing with support services for residents.

b. Not later than March 1, 2018, and on or before March 1 annually thereafter, the department shall submit to the speaker of the council and post on its website annual reports regarding exits from domestic violence emergency shelters. Such report shall include, but not be limited to, the total number of individuals and the total number of families who exited a domestic violence emergency shelter during the preceding calendar year, disaggregated by the type of housing such individuals and families would be residing in upon their exit. Such housing types shall include, but not be limited to, the following: (i) a New York city housing authority apartment; (ii) a private apartment with a rental subsidy voucher, disaggregated by the type of such voucher; (iii) a private apartment with no rental subsidy voucher; (iv) supportive housing; (v) subsidized affordable housing; (vi) the location where the individual or family resided immediately prior to entering the domestic violence emergency shelter; (vii) shelter operated by or under contract or similar agreement with the department of homeless services; (viii) domestic violence tier II shelter; (ix) housing of friends or family; or (x) unknown.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1680

Resolution calling upon the New York State Legislature to pass and the Governor to sign A6834/S5955, relating to human trafficking awareness and training in hotels

By Council Member Levin.

Whereas, According to the United Nations, trafficking of persons, or human trafficking, is the "recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation"; and

Whereas, Human trafficking is a form of modern slavery that exists throughout the United States and globally; and

Whereas, According to the International Labour Organization, there are approximately 20.9 million victims of human trafficking globally, more than half of which are women and girls; and

Whereas, From 2007 to 2016, the National Human Trafficking Hotline received more than 120,000 phone calls where 31,659 cases of trafficking were identified; and

Whereas, Additionally, over 60,000 victims were discovered based on hotline data, and in reviewing these cases, instances of force, fraud, and coercion were found to affect at least half of the victims; and

Whereas, According to Polaris, an anti-trafficking advocacy organization, the venues and businesses where sex trafficking is most common are hotels and motels; and

Whereas, New York City has the third-largest hotel market in the nation, following Las Vega and Orlando; and

Whereas, In 2016, New York was among states that received the most reported human trafficking cases, ranking fifth out of every state behind California, Texas, Florida, and Ohio; and

Whereas, In April 2017, Assemblywoman Amy Paulin introduced A6834, and in May 2017, Senator Jesse Hamilton introduced S5955 which amend the general business law, in relation to human trafficking awareness training; and

Whereas, A6834/S5955 would require all employees of lodging facilities, such as hotels, motels, motor courts, apartment hotels, resorts, inns, and boarding houses, rooming houses or lodging houses, to undergo a human trafficking recognition training program, which would enable employees to recognize signs of trafficking; and

Whereas, Pursuant to A6834/S5955, human trafficking recognition programs would address the nature of human trafficking, how it is defined by law, relief and recovery options for survivors, and social and legal services available to victims; and

Whereas, A6834/S5955 mandate that human trafficking recognition training programs be approved by the New York State Division of Criminal Justice Services and the Office of Temporary Disability Assistance in consultation with the New York State Interagency Taskforce on Human Trafficking; and

Whereas, A6834/S5955 also mandate that lodging facilities post a notice concerning services for human trafficking victims, including the National Human Trafficking Hotline telephone number, “in plain view and in a conspicuous place” in public restrooms and lobbies; and

Whereas, Pursuant to A6834/S5955, such notices would be developed by the Office of Temporary Disability Assistance in consultation with the New York State Interagency Taskforce on Human Trafficking; and

Whereas, Training employees of hotels and lodging facilities how to recognize warning signs of human trafficking can have a major impact on our ability to help victims and survivors receive the help and support they need; and

Whereas, Of the 26,727 calls the National Human Trafficking Hotline received in 2016, most were made by community members who observed suspicious activity or who had direct contact with a potential victim; and

Whereas, This highlights the critical role community members, including hotel employees might play in identifying potential trafficking victims; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A6834/S5955, relating to human trafficking awareness and training in hotels.

Referred to the Committee on Women’s Issues.

Int. No. 1740

By Council Members Rodriguez, Constantinides, Cohen, Koslowitz, Maisel, Johnson, Cumbo, Vacca, Salamanca and Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to the issuance of nontransferable taxicab licenses

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 19-548 to read as follows:

§ 19-548 Nontransferable taxicab licenses. a. As used in this section, the term “nontransferable taxicab license” means a license issued by the commission to a holder of a current taxicab license to operate up to one additional vehicle, which shall be operated subject to all of the laws and regulations governing a licensed taxicab except as provided herein.

b. The commission shall issue, upon request, one nontransferable taxicab license to the holder of a valid taxicab license that is current at the time of the request.

c. Notwithstanding section 19-512, a nontransferable taxicab license issued pursuant to subdivision b of this section may not be transferred to a third party, except that title to the vehicle attached to the nontransferable taxicab license may be transferred by an owner or operator in conjunction with the transfer of a taxicab license issued by the commission.

§ 2. This local law takes effect 120 days after it becomes law. The commissioner shall take all measures necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Transportation.

Int. No. 1741

By Council Member Rosenthal

A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency and accountability in the real property tax assessment process

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-207 of the administrative code of the city of New York, as added by local law number 55 for the year 1993, is amended to read as follows:

a. *1. In performing their assessment duties, the assessors shall personally examine each parcel of taxable real estate during at least every third assessment cycle, and shall personally examine each parcel of real estate that is not taxable during at least every fifth assessment cycle, as measured from the last preceding assessment cycle during which such parcel was personally examined. Notwithstanding anything in the preceding sentence to the contrary, the assessors shall revalue, reassess or update the assessment of each parcel of taxable or nontaxable real estate during each assessment cycle, irrespective of whether such parcel was personally examined during each assessment cycle. No later than the day on which the annual record of the assessed valuation of real estate is opened to the public for inspection as provided in section 1510 of the charter, the department shall publish on its website a list of each parcel of real estate personally examined during the preceding assessment cycle in accordance with this paragraph, including (a) the borough, block and lot and street address of each parcel examined, (b) the date on which it was examined, (c) whether such parcel is taxable or not taxable, and (d) the method by which the parcel was examined.*

2. For each parcel assessed, the assessor shall document the valuation method used for such assessment and the reason such valuation method was chosen. For each parcel assessed in accordance the provisions of section 581 of the real property tax law, the assessor shall document the comparable property or properties used for such assessment, where applicable, and the reason such comparable property or properties were chosen. The department shall maintain the documentation required by this paragraph for a period of at least seven years.

3. No later than January 5 of each year, the department shall publish on its website the guides, manuals, protocols, policies or procedures used by the assessors to assess and value property during the preceding assessment cycle.

§2. Subdivision b of section 11-207.1 of the administrative code of the city of New York, as added by local law number 52 for the year 2013, is amended to read as follows:

b. *(1) The notice of property value sent by the department to an owner of real property shall inform such owner how to access additional information on the website of the department regarding valuation of the subject real property, including the factors used by the department to determine the market value of such real property. The notice of property value shall include the address of such website. Such information shall be made available at least thirty days prior to the final date for filing any appeal.*

(2) The notice of property value sent by the department to an owner of real property owned or leased by a cooperative corporation or on a condominium basis assessed in accordance the provisions of section 581 of the real property tax law shall inform such owner of the comparable property or properties used to determine the assessed value of such property, where applicable, identified by borough, block, and lot and street address. Where the comparable property or properties used is different than the comparable property or properties used in the tax year immediately prior to the applicable tax year, the fact of such change shall be indicated on the notice of property value and shall include the reason for such change.

§3. This local law takes effect July 1, 2018.

Referred to the Committee on Finance.

Int. No. 1742

By Council Member Rosenthal.

A Local Law to amend the New York city charter and local law number 64 for the year 2015, in relation to extending, indefinitely, the requirements for monthly reports and requiring biennial recommendations relating to OATH tribunal dismissals of civil penalty violations

Be it enacted by the Council as follows:

Section 1. Subdivision 6 of section 1048 of the New York city charter, as added by local law number 64 for the year 2015, is amended to read as follows:

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

b. The mayor's office of operations shall work with agencies that receive reports from the office of administrative trials and hearings pursuant to this subdivision to identify issues that may be causing civil penalty violations to be dismissed. The issues identified and any corrective action undertaken or to be undertaken by agencies to minimize the occurrence of dismissals of civil penalty violations shall be included in a biennial report prepared by the office of operations. Such report shall be sent to the public advocate, the speaker of the council and the mayor on or before September 1, 2018 and on or before September 1 of every other calendar year thereafter.

§ 2. Section three of local law number 64 for the year 2015 is amended to read as follows:

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

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 1681

Resolution calling on the state legislature to pass, and the Governor to sign, A.3179-A/S.3674-A, which would allow state or city-operated institutions to grant academic credit to veterans.

By Council Member Ulrich.

Whereas, For centuries, the United States armed forces have defended the American way of life, from Monmouth to Mosul; and

Whereas, The men and women of the Army, Navy, Air Force, Marines, and Coast Guard hail from all 50 states and represent the socioeconomic, racial, and religious diversity of our nation; and

Whereas, The United States is currently involved in its longest-ever war, in Afghanistan, which also overlapped with eight years of armed conflict in Iraq; and

Whereas, According to the Department of Defense, more than 2.5 million men and women served in the two most recent conflicts, and more than 400,000 soldiers have done three or more deployments; and

Whereas, Statistics from the Department of Veterans Affairs (VA) show that 11 percent of veterans of the war in Afghanistan and 20 percent of veterans of the war in Iraq suffer from PTSD; and

Whereas, In light of the enormous sacrifices that these individuals make, it is appropriate for cities and states to provide ample educational opportunities for returning service members to gain the skills that they need to find and maintain gainful employment; and

Whereas, The GI Bill of 1944 allowed millions of servicemembers to pursue higher education and provide for their families; and

Whereas, Both houses of Congress recently re-affirmed this commitment to veteran education, by unanimously passing the “Forever GI Bill,” which ends the 15-year limit on educational benefits for new enlistees; and

Whereas, VA data shows that New York has the fifth-largest veteran population in the country, with more than 892,000 former servicemembers living in the state; and

Whereas, The state senate and state assembly are currently considering legislation (S.3674-A and A.3179-A) that would allow State University of New York (SUNY) and City University of New York (CUNY) institutions to award educational credits for coursework that veterans completed as part of their military training; and

Whereas, This would allow former servicemembers to take additional courses to develop new skills and complete their degrees more quickly; and

Whereas, In light of the major contributions that veterans make to American life, and their significant presence within New York City and across New York State, facilitating their pursuit of higher education reflects the admiration, respect, and esteem that New Yorkers have for the men and women of the armed forces; 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, A.3179A/S.3674A, which would allow city or state-operated institutions to grant academic credit to veterans

Referred to the Committee on Veterans.

Int. No. 1743

By Council Members Williams, Cumbo, Rosenthal, Palma, Rose, Ferreras-Copeland, Chin and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual’s reproductive health choices

Be it enacted by the Council as follows:

Section 1. Section 8-101 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 1 for the year 2016, is amended to read as follows:

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 33 to read as follows:

33. *The term “sexual and reproductive health decisions” means any decision to receive services which are arranged for or offered or provided to individuals relating to the reproductive system and its functions,*

including, but not limited to, fertility-related medical procedures, family planning services and counseling, including, but not limited to, access to all medically approved birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, sexually transmitted disease testing and treatment, abortion procedures and HIV testing and counseling.

§ 3. Subparagraphs a, b, c and d of subdivision 1 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 3. Subparagraphs b, c and d of subdivision 2 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

(b) To deny to or withhold from any person because of his or her actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program.

(c) To discriminate against any person in his or her pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

Section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 23 to read as follows:

(23) a. *Notice of rights. An employer shall provide written notice in a form and manner to be determined by the commission of the right to be free from discrimination in relation to sexual and reproductive health decisions pursuant to this section to new employees at the commencement of employment and existing employees within one hundred twenty days after the effective date of the local law that added this subdivision.*

§ 2. This local law takes effect 120 days after its enactment, provided, however that the city commission on human rights may take any actions necessary prior to such effective date for the implementation of this local law, including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Civil Rights.

Preconsidered L.U. No. 764

By Council Member Ferreras-Copeland:

Wyatt Tee Walker, Block 1944, Lot 36; Manhattan, Community District No. 10, Council District No. 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 765

By Council Member Ferreras-Copeland:

Lefferts Heights, Block 2019, Lot 40; Brooklyn, Community District No. 2, Council District No. 36.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 766

By Council Member Greenfield:

Application No. C 170400 ZMK submitted by YYY Brooklyn NY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d, changing an R6 district to a C6-4 district and extending the Special Downtown Brooklyn District on property located at Tillary and Prince Street, Borough of Brooklyn, Community Board 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 767

By Council Member Greenfield:

Application No. N 170401 ZRK submitted by YYY Brooklyn NY, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing a Mandatory Inclusionary Housing area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections, Borough of Brooklyn, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 768

By Council Member Greenfield:

Application No. C 170430 ZMK submitted by Canyon Sterling Emerald LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, changing an R4/C1-2 district to R6A, R7A, and R8A/CC2-4 districts on property located south of Linden Boulevard between Emerald and Amber Streets, Borough of Brooklyn, Community Board 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 769

By Council Member Greenfield:

Application No. N 170431 ZRK submitted by Canyon Sterling Emerald, 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, Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 770

By Council Member Greenfield:

Application No. N 170433 ZRM submitted by 42nd and 8th Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying signage regulations for zoning lots in the Eighth Avenue Corridor of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community District 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 771

By Council Member Greenfield:

Application No. C 170336 ZMQ submitted by Northeastern Towers Annex LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 18c and 19a, changing from an R3X District to an R6 District property in the vicinity of Guy R. Brewer Boulevard and 132nd Avenue, Borough of Queens, Community Board 12, Council District 28.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 772

By Council Member Greenfield:

Application No. N 170337 ZRQ submitted by Northeastern Towers Annex LP 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, Borough of Queens, Community District 12, Council District 28.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 773

By Council Member Greenfield:

Application No. C 170358 ZMM submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b, changing various zoning districts in the East Harlem Neighborhood, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 774

By Council Member Greenfield:

Application No. N 170359 ZRM submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 775

By Council Member Greenfield:

Application No. C 170360 HUM submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area, Borough of Manhattan, Community Board 11, Council Districts 8 and 9.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 776

By Council Member Greenfield:

Application No. C 170361 ZMM submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing a R7-2/C1-4 district to an R9/C2-5 district on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 777

By Council Member Greenfield:

Application No. N 170362 ZRM submitted by the New York City Department of Housing Preservation and Development, 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, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 778

By Council Member Greenfield:

Application No. C 170363 HAM submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the Charter, for approval of an Urban Development Action Area Project and disposition of city-owned property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 779

By Council Member Greenfield:

Application No. C 170364 PQM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for acquisition of property generally located on the block generally bounded East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37) for use as passive recreation space and community gardens, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 780

By Council Member Greenfield:

Application No. C 170365 ZSM submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height, setback and the rear yard requirements within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 781

By Council Member Greenfield:

Application No. C 170366 ZSM submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to allow Use Group 6 uses on portions of the third floor of a proposed building within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 782

By Council Member Greenfield:

Application No. C 170367 ZSM submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces within a large scale general development, on property located between Park Avenue, Madison Avenue, East 111th Street, and East 112th Street, Borough of Manhattan, Community Board 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 783

By Council Member Greenfield:

Application No. 20185071 HAX submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for Block 3780, Lots 1 and 51, Borough of the Bronx, Community Board 9, Council District 18.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

L.U. No. 784

By Council Member Greenfield:

Application No. C 170464 ZSM submitted by 449 Broadway, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building on property located at 449 Broadway (Block 231, Lot 36), in an M1-5B District, Borough of Manhattan, Community District 2, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 785

By Council Member Greenfield:

Application No. C 170413 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a, to expand the existing Special Harlem River Waterfront District (HRW) to encompass two waterfront blocks to the south bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue. Borough of the Bronx, Community Board 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 786

By Council Member Greenfield:

Application No. N 170414 ZRX submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 787

By Council Member Greenfield:

Application No. C 170025 ZMK submitted by JMS Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, to change an M1-1 and M1-2 zoning district to an R7D/C2-4 and an R6A/C2-4 zoning district on portions of three blocks fronting on Myrtle Avenue, between Walworth Street and Nostrand Avenue, Borough of Brooklyn, Community District 3, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 788

By Council Member Greenfield:

Application No. N 170026 ZRK submitted by JMS Realty Corp., 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, Borough of Brooklyn, Community District 3, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 789

By Council Member Greenfield:

Application No. 20175287 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of KioRestaurant, LLC, d/b/a KHE-YO, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 157 Duane Street, Borough of Manhattan, Community Board 1, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 790

By Council Member Greenfield:

Application No. 20185083 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1617, Lots 20, 51, 52, 53, 54 and p/o Lot 50, Borough of Manhattan, Community District 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 791

By Council Member Greenfield:

Application No. C 170352 POK submitted by the New York City Office of Emergency Management and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 930 Flushing Avenue (Block 3140, Lot 1), for use as a warehouse and ancillary office space, Borough of Brooklyn, Community District 4, Council District 34.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 792

By Council Member Greenfield:

Application No. C 170454 ZMK submitted by the New York City Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b, changing an R6 zoning district to an R7-2/C2-3 zoning district on Block 3566, Lot 6 at 3 Livonia Avenue, Borough of Brooklyn Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 793

By Council Member Greenfield:

Application No. N 170455 ZRK submitted by the New York City Department of Housing Preservation and Development, 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, Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 794

By Council Member Greenfield:

Application No. C 170456 HAK submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law for the designation of an Urban Development Action Area and an Urban Development Action Area Project for property located at 3 Livonia Avenue (Block 3566, Lot 6), and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 795

By Council Member Greenfield:

Application No. C 170457 ZSK submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connection with a proposed eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3 District, Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No.796

By Council Member Greenfield:

Application No. 20185066 HAM submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1948, Lots 45, 46, and 47, Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning Dispositions and Concessions.

L.U. No. 797

By Council Member Greenfield:

Application No. 20185070 HAQ submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 10209, Lot 115, Borough of Queens, Community District 12, Council District 27.

Referred to the Committee on Land Use and the Subcommittee on Planning Dispositions and Concessions.

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

ANNOUNCEMENTS

Wednesday, October 18, 2017

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

Int 1673 - By Council Members Rosenthal, Ferreras-Copeland, Gentile and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to notice of the recording of certain real estate instruments.

Res 1421 - By Council Members Vallone and Rosenthal - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign legislation to require all real property conveyances to be memorialized by a deed recorded in the office of the clerk of the county where such real property is situated.
Committee Room – City Hall
Julissa Ferreras-Copeland, Chairperson

[Committee on Governmental Operations](#).....1:00 p.m.

Oversight - Mayor’s 2017 Management Report
Committee Room – City Hall
Ben Kallos, Chairperson

★ *Deferred*

~~[Committee on Parks and Recreation](#).....1:00 p.m.~~

~~**Oversight** - Update on the Development of Fresh Kills Park.
Committee Room – 250 Broadway, 16th Floor
Mark Levine, Chairperson~~

Thursday, October 19, 2017

[Committee on Housing and Buildings](#) jointly with the
[Committee on Immigration](#)10:00 a.m.

Int 1269 - By Council Members Richards, Miller, Rodriguez, Chin, Salamanca, Maisel, Grodenchik, Levin, Menchaca, Lander, Rosenthal, Reynoso, Kallos, Williams, Johnson, Rose, Perkins, Espinal, Ferreras-Copeland, King, Levine and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of regulatory agreements with community land trusts.

Proposed Int 1678-A - By Council Members Koo, Chin, Rodriguez, Gentile and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of harassment to include discriminatory threats and requests for proof of citizenship status.

Int 1721 - By Council Members Williams, Lander, Menchaca and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of harassment.
Council Chambers – City Hall
Jumaane D. Williams, Chairperson
Carlos Menchaca, Chairperson

[Committee on Economic Development](#) jointly with the
[Committee on Waterfronts](#) and the
[Committee on Transportation](#).....1:00 p.m.

Oversight - The Economic Impact of NYC Ferry and the New Ferry Transport Routes.
Council Chambers – City Hall
Daniel Garodnick, Chairperson
Deborah Rose, Chairperson
Ydanis Rodriguez, Chairperson

★ *Deferred*

~~[Committee on Recovery and Resiliency](#) 1:00 p.m.~~

~~Oversight - New York City Emergency Preparedness~~

~~★ **Int 1720** - By Council Members Treyger and Ulrich - **A Local Law** in relation to the creation of a Hurricane Sandy recovery task force.~~

~~Committee Room - 250 Broadway, 16th Floor Mark Treyger, Chairperson~~

Monday, October 23, 2017

[Committee on Education](#) jointly with the
[Committee on Higher Education](#) 10:00 a.m.

Oversight - Earning an Associate’s Degree in High School
Council Chambers – City Hall

Daniel Dromm, Chairperson
Inez Barron, Chairperson

★ *Deferred*

~~[Committee on General Welfare](#) jointly with the
[Committee on Women’s Issues](#) 10:00 a.m.~~

~~Oversight - HRA’s System of Domestic Violence Shelters.~~

~~Committee Room - 250 Broadway, 16th Floor Stephen Levin, Chairperson
Laurie Cumbo, Chairperson~~

[Committee on Contracts](#) 1:00 p.m.

Oversight - Cost Overruns and Improving the City’s Management of Large Technology Contracts.

Committee Room – 250 Broadway, 14th Floor Helen Rosenthal, Chairperson

[Committee on Environmental Protection](#) 1:00 p.m.

Int 821 - By Council Members Richards and Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to backflow prevention device reporting and certification, and the repeal and replacement of subdivision d of section 24-343.1 of such code.

Int 972 - By Council Members Espinal, Palma, Rose and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to fire hydrant signage.

Int 1425 - By Council Members Constantinides, Crowley, Barron, Gentile, Chin and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the city to prepare a plan to prevent sewer system backups.

Int 1468 - By Council Members Constantinides, Salamanca and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing sewer system backups.

Committee Room – 250 Broadway, 16th Floor Costa Constantinides, Chairperson

Tuesday, October 24, 2017

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

Proposed Int 657-A - By Council Members Garodnick, Johnson, the Public Advocate (Ms. James) and Council Members Gentile, Koo, Rose, Espinal, Levine, Williams, Lancman, Cabrera, Mendez, Crowley, Constantinides, Koslowitz, Kallos, Torres, Vacca, Rosenthal, Richards, Levin, Salamanca, Barron, Cornegy and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a water tank inspection report database.

Committee Room – City Hall Corey Johnson, Chairperson

★ *Note Location Change*

[Committee on Public Housing](#) jointly with the
[Committee on Aging](#).....10:00 a.m.

Oversight - Seniors in NYCHA Housing

★ Committee Room – 250 Broadway, 16th Floor
Ritchie Torres, Chairperson
Margaret Chin, Chairperson

★ *Note Location Change*

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... 11:00 a.m.

[See Land Use Calendar](#)

★ Committee Room – 250 Broadway, 14th Floor
Peter Koo, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#)..... 1:00 p.m.

[See Land Use Calendar](#)

★ Committee Room – 250 Broadway, 14th Floor
Rafael Salamanca, Chairperson

★ *Note Time Change*

[Subcommittee on Zoning & Franchises](#)..... ★1:00 p.m.

[See Land Use Calendar](#)

Council Chambers – City Hall
Donovan Richards, Chairperson

Wednesday, October 25, 2017

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

Int 1593 - By Council Members Espinal, Johnson, Rose, Maisel, Constantinides, Van Bramer, Koslowitz, Salamanca, Cumbo, Chin, Perkins, Gentile, Vacca, Rosenthal and Grodenchik - **A Local Law** to amend the administrative code of the city of New York, in relation to the protection of spectators in baseball stadiums.

Committee Room – City Hall
Rafael L. Espinal, Chairperson

[Committee on Fire and Criminal Justice Services](#)..... 10:00 a.m.

Oversight - Violence in City Jails

Council Chambers – City Hall
Elizabeth Crowley, Chairperson

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

Res 792 - By Council Members Dromm, Chin, Koo, Ferreras-Copeland, Johnson, Koslowitz, Kallos, Treyger, Richards, Salamanca, Gentile, King, Constantinides, Garodnick, Levin, Espinal, Grodenchik, Rosenthal, Mendez, Deutsch, Lander, Menchaca, Palma, Vacca, Levine, Rose, Reynoso, Torres, Rodriguez, Cornegy, Miller, Lancman, Perkins, Ulrich and Borelli - **Resolution** establishing January 30 annually as Fred T. Korematsu Day.

Council Chambers – City Hall
James Van Bramer, Chairperson

[Committee on Housing and Buildings](#)1:00 p.m.

Int 106 - By Council Members Rose, Chin, Koo, Levine, Mendez, Williams, Rosenthal, Koslowitz, Deutsch, Rodriguez and Ferreras-Copeland - **A Local Law** to amend the administrative code and the building code of the city of New York, in relation to requiring a sign at inaccessible building entrances indicating that a portable ramp is available when such a ramp exists.

Int 1241 - By Council Members Espinal, Garodnick, Eugene, Cohen, Richards, Palma, Koo, Koslowitz, Crowley, Constantinides and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to diaper changing accommodations.

Int 1389 - By Council Members Kallos, Rodriguez and Koslowitz - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment.

Committee Room – 250 Broadway, 16th Floor
Jumaane D. Williams, Chairperson

[Committee on Sanitation and Solid Waste Management](#)..... 1:00 p.m.
Oversight - New York City Department of Sanitation’s 2017-2018 Snow Plan.
 Committee Room – 250 Broadway, 14th Floor Antonio Reynoso, Chairperson

Thursday, October 26, 2017

[Committee on Juvenile Justice](#).....10:00 a.m.
Oversight - Reentry Programs for Formerly Incarcerated Youth.
 Committee Room – 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

★ **Addition**

[Committee on Transportation](#).....10:00 a.m.
Oversight – The Private Bus Industry in New York City.
 Council Chambers – City Hall Ydanis Rodriguez, Chairperson

★ **Addition**

[Committee on Economic Development](#)11:00 a.m.
Proposed Int 1316-A - By Council Members Garodnick, Johnson, Rosenthal, Salamanca, Kallos and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to contracts between the department of small business services and certain entities that administer economic development benefits on behalf of the city.
Proposed Int 1322-A - By Council Members Johnson, Garodnick, Rosenthal, Vacca, Kallos and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to the recovery of financial assistance for economic development in cases of noncompliance with the terms of such assistance
Proposed Int 1337-A - By Council Members Rosenthal, Garodnick, Johnson, Kallos and Dromm - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of small business services to require in its contracts with certain not-for-profit corporations that provide economic development services for the city of New York that, before any economic development project is commenced, such corporations must submit a project description to the speaker of the council; including reporting requirements in such contracts; and repealing paragraphs b and b-1 of subdivision 1 of section 1301 of the New York city charter relating to such reporting requirements and related recommendations.
 Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

[Committee on Land Use](#) 11:00 a.m.
Int 1661 - By Council Members Espinal, Torres, Greenfield Salamanca, Grodenchik, Richards, Reynoso, Maisel, Gentile, Cornegy, Menchaca, Cumbo, Deutsch, Treyger, Johnson, Williams, Garodnick and Levin (by request of the Brooklyn Borough President) - **A Local Law** in relation to developing a comprehensive urban agriculture plan.
Int 1685 - By Council Members Chin and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to exempting certain government entities from pre-application requirements for zoning text amendments.
Proposed Int 1692-A - By Council Member Greenfield - **A Local Law** to amend the administrative code of the city of New York, in relation to technical corrections to local law 116 for the year 2017.
All items reported out of the Subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall David G. Greenfield, Chairperson

★ **Note Topic Change**

[Committee on Recovery and Resiliency](#)1:00 p.m.

~~Oversight - New York City Emergency Preparedness~~

~~★Oversight - Update on Resiliency Projects in New York City.
Committee Room – 250 Broadway, 16th Floor~~

Mark Treyger, Chairperson

Monday, October 30, 2017

★ Note Topic Change

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

~~Oversight - DOE’s Response to Incidents of Bullying, Harassment, and Discrimination in NYC Schools and Efforts to Ensure Student Safety.~~

~~★Oversight - DOE’s Response to Incidents of Bullying, Harassment, and Discrimination in NYC Schools and Efforts to Improve School Climate.~~

Int 1538 - By Council Members Dromm and Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to list on its website the name and contact information of the designated respect for all liaison at each school.

Council Chambers – City Hall

Daniel Dromm, Chairperson

[Committee on General Welfare](#) jointly with the

[Committee on Women’s Issues](#) 10:00 a.m.

Oversight - HRA’s System of Domestic Violence Shelters.

Committee Room – 250 Broadway, 16th Floor

Stephen Levin, Chairperson

Laurie Cumbo, Chairperson

Tuesday, October 31, 2017

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

.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the presence of Adrienne Adams in the Chambers. Ms. Adams was the winner of the September 12, 2017 Democratic Party Primary for the 28th Council District in Queens.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged that October is designated as National Domestic Violence Awareness Month. In tandem with the Council’s Women’s Caucus, she encouraged everyone to participate in the New York City Go Purple Day of Action to held on October 19, 2017.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, October 31, 2017.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 401-A, 629-A, 1236-A, 1424-A, 1550-A, 1566-A, 1578-A, all adopted by the Council at the September 7, 2017 Stated Meeting, were returned unsigned by the Mayor on October 11, 2017. These bills had become law on October 8, 2017 pursuant to the City Charter due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 180, 181, 182, 183, 184, 185, and 186 of 2017, respectively.

Int. Nos. 139-C, 934-A, 1031-A, 1075-A, 1076-A, 1292-A, 1359-A, 1366-A, 1375-A, 1447-C, 1539-A, and 1540-A, all adopted by the Council at the September 27, 2017 Stated Meeting, were signed into law by the Mayor on October 16, 2017 as, respectively, Local Laws Nos. 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and 198 of 2017.

