

## THE COUNCIL

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Wednesday, May 9, 2018, 1:58 p.m.

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

### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Antonio Reynoso
Alicia Ampry-Samuel	Barry S. Grodenchik	Donovan J. Richards
Diana Ayala	Robert F. Holden	Carlina Rivera
Inez D. Barron	Ben Kallos	Ydanis A. Rodriguez
Joseph C. Borelli	Andy L. King	Deborah L. Rose
Justin L. Brannan	Peter A. Koo	Helen K. Rosenthal
Fernando Cabrera	Karen Koslowitz	Rafael Salamanca, Jr
Margaret S. Chin	Rory I. Lancman	Ritchie J. Torres
Andrew Cohen	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Eric A. Ulrich
Laurie A. Cumbo	Mark D. Levine	Paul A. Vallone
Chaim M. Deutsch	Alan N. Maisel	James G. Van Bramer
Ruben Diaz, Sr.	Steven Matteo	Jumaane D. Williams
Daniel Dromm	Carlos Menchaca	Kalman Yeger
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	
Vanessa L. Gibson	Keith Powers	

Absent: Council Member Constantinides.

Medical Leave: Council Member Miller.

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

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

*There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Rev. Dr. T. Kenjitsu Nakagaki, President of the Buddhist Council of New York, 376 Broadway, New York, New York 10013.

Please join me in meditation and prayer.  
 As we celebrate Asian Pacific American Heritage month  
 we remember that New York City consists  
 of various diverse communities, religions and cultures in a Buddhist tradition,  
 the full moon day of May is considered a sacred day called Vesak  
 which celebrates the birth, the enlightenment, and passing of Gautama Buddha.  
 It is a time to celebrate the preciousness of life that each of us has received,  
 awakened to the full potentiality of each life to attain enlightenment  
 and fulfill the mission that each of us has.  
 So many things are happening in our society  
 and so many things are happening in our lives,  
 yet we should not be controlled or deluded but all the things around us.  
 Now we need to clear our minds and find what we really need to do  
 and what we really need to be focused on to benefit all New Yorkers.  
 Let us nurture the seed of peace and happiness within ourselves  
 so that it will result in beautiful flowers in ourselves and in our society.  
 Please relax yourself and release tension from your body and mind,  
 close your eyes lightly and focus on your breathing,  
 breathe deep using your lower stomach instead of your lungs; (long pause); (bell ringing).  
 Let us plant the seed of peace and happiness within ourselves; (bell ringing).  
 Let us nurture the seed; (bell ringing).  
 And let us share our seeds with others; (chanting).  
 Peace and blessing to you all.

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

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

Army Specialist Gabriel Conde, 22, was killed during combat operations in Afghanistan on April 30, 2018. He served as an airborne qualified infantryman with the 25<sup>th</sup> Infantry Division's 4<sup>th</sup> Infantry Brigade Combat Team. Specialist Conde died weeks before his deployment was scheduled to end. The Speaker (Council Member Johnson) offered the Council's condolences to Specialist Conde's family, friends, fellow soldiers, and the rest of the country.

Former NYPD officer Mark Natale, 55, succumbed to brain cancer that he contracted from his time at Ground Zero following the 9/11 attacks. The Speaker (Council Member Johnson) offered the Council's thoughts and prayers to his loved ones and to the entire NYPD.

The Speaker (Council Member Johnson) also mentioned the recent commemoration of Worker's Memorial Day when the city remembers the sacrifice of those workers of New York City who lost their lives during the

course of their employment. He proceeded to read the names of a number of workers who had died recently: Mouctar Diallo, 21, a private sanitation worker who was killed in November 2017 but was misclassified as a homeless man at the time of his death; Young-Kil Sim, 62, a food market worker who was crushed by illegally installed equipment; George Staab, 57, a Department of Transportation electrician who was fatally struck by a car while performing routine bridge maintenance; and an NYPD officer, whose name had not been released, who fatally shot himself outside an NYPD facility in April 2018. A Moment of Silence was then observed by all assembled in the Chambers.

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### **ADOPTION OF MINUTES**

Council Member Lancman moved that the Minutes of the Stated Meeting of March 22, 2018 be adopted as printed.

### **MESSAGES AND PAPERS FROM THE PAPERS**

M-42

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2019, pursuant to Section 249 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-43

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2019, pursuant to Section 249 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-44

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2019 Community Development Program, the Proposed CFY'19 Budget, the Proposed Reallocations-the CD XLIV Funds, Proposed CD XLV Statement of Objectives and Budget, dated April 26, 2018.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-45

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2019 pursuant to Section 250 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-46

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2019, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-47

**Communication from the Mayor- Submitting the Executive Budget-Geographic Reports for Expense Budget for Fiscal Year 2019.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-48

**Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Citywide Savings Program relative to the Executive Budget, Fiscal Year 2019, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-49

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2019 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.**

(For text, please refer to the [Search Legislation section](#) of the New York City Council website at <http://council.nyc.gov> for the attachment to [M-49 of 2018](#) )

Received, Ordered, Printed and Filed.

#### LAND USE CALL-UPS

M-50

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

**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 180129(A) ZSM shall be subject to Council review. This application is related to Application Nos. C 180127 ZMM, N 180128 ZRM, N 180128(A) ZRM, and C 180129 ZSM.**

Coupled on Call-Up Vote.

M-51

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

**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 180152(A) ZSM shall be subject to Council review. This application is related to Application Nos. C 180150 ZMM, N 180151 ZRM, N 180151(A) ZRM, and C 180152 ZSM.**

Coupled on Call-Up Vote.

M-52

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 180063 ZSM shall be subject to Council review.**

Coupled on Call-Up Vote.

M-53

By Council Member Kallos:

**Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 365 Park Avenue South, Borough of Manhattan, Community Board 5, Application No. 20185237 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-54

By Council Member Menchaca:

**Pursuant to Rule 11.20(b) of the Council Rules and Section 62-822(A) of the Zoning Resolution the Council hereby resolves that the actions of the City Planning Commission on Application No. N 180157 ZAK 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** – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

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

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Finance**

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

Report for Res. No. 333

**Report of the Committee on Finance in favor of a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”). On June 14, 2016, the Council adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2018 and Fiscal 2018 Expense Budgets and amendments to the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 and Fiscal 2017 Expense Budgets.

This Resolution, dated May 9, 2018, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2017 Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 and Fiscal 2017 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 1; sets forth the changes in the designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2018 Expense Budget, as described in Charts 3-7; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 8; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 9; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2017 Expense Budget, as described in Chart 10; amends the description for the Description/Scope of Services of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as described in Chart 11; amends the description for the Description/Scope of Services of a certain organization receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as described in Chart 12; and sets

forth the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2018 Expense Budget as described in Chart 13.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 3 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 4 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the Initiative to Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 6 sets forth the new designation of a certain organizations receiving funding pursuant to the End the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 11 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget.

Chart 12 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 13 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (\*\*\*) will not take effect until the passage of a budget modification.



Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2018 and Fiscal 2017 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 333:)**

Preconsidered Res. No. 333

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 6, 2017 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

**Whereas**, On June 14, 2016 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of a certain organizations receiving funding pursuant to the End the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be It further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018, as set forth in Chart 13.

**ATTACHMENT:**

**CHART 1: Local Initiatives - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Adams	American Bangali Hindu Foundation, Inc.	26-0741506	DYCD	(\$8,500.00)	260	312			*
Adams	Life Camp, Inc.	20-0814999	DYCD	\$8,500.00	260	312			
Lancman	Kehilas Ishei Yisrael	56-2526290	DYCD	(\$10,000.00)	260	312			
Lancman	American Bangali Hindu Foundation, Inc.	26-0741506	DYCD	(\$5,000.00)	260	312			
Lancman	Achiezer Community Resource Center, Inc.	27-4592919	DYCD	\$5,000.00	260	005			
Lancman	Asian Americans For Equality, Inc.	13-3187792	DYCD	\$5,000.00	260	005			
Lancman	Beth Gavriel Bukharian Congregation	11-3336257	DYCD	\$5,000.00	260	312			
Cabrera	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$10,000.00)	040	402			
Cabrera	Ballroom Basix USA, Inc.	27-3218865	DOE	\$10,000.00	040	402			
Lancman	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$4,000.00)	040	402			
Lancman	Ballroom Basix USA, Inc.	27-3218865	DOE	\$4,000.00	040	402			
Richards	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$5,000.00)	040	402			
Richards	Ballroom Basix USA, Inc.	27-3218865	DOE	\$5,000.00	040	402			
Ulrich	Kiwanis Club of Howard Beach New York, Inc.**	37-1616159	DYCD	(\$3,000.00)	260	312			
Ulrich	Department of Education - Robert H. Goddard High School of Communication Arts and Technology**	13-6400434	DOE	\$3,000.00	040	402			
Ulrich	Veterans of Foreign Wars Department of New York - PFC. John G. McLaughlin	23-7334565	DYCD	(\$5,000.00)	260	005			
Ulrich	Veterans of Foreign Wars Department of New York	23-7334565	DYCD	\$5,000.00	260	005			
Barron	Soul Tigers Marching Band, Inc.	11-0615740	DYCD	(\$5,000.00)	260	312			
Barron	East New York Restoration Local Development	46-1763706	DYCD	\$5,000.00	260	005			
Vallone	Department of Parks and Recreation**	13-6400434	DPR	(\$5,000.00)	846	006			
Vallone	Bayside Historical Society**	11-6049457	DCLA	\$5,000.00	126	003			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 2: Youth Discretionary - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Levin	Smack Mellon Studios	11-3375393	DYCD	(\$3,500.00)	260	312			
Levin	Smack Mellon Studios, Inc.	11-3375393	DYCD	\$3,500.00	260	312			

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

**CHART 3: Cultural Immigrant Initiative - Fiscal 2018**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
Vallone	Barrow Group, Inc	13-3411791	DCLA	(\$25,000.00)	126	003	
Vallone	JLSC Educational Tour Bus, Inc.	13-4085631	DCLA	\$15,000.00	126	003	
Vallone	Alley Pond Environmental Center, Inc.	11-2405466	DCLA	\$10,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 4: Cultural After-School Adventure (CASA) Initiative - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Ayala	Uptown Dance Academy, Inc. - Public School 146M - Anna M. Short School	13-3891881	DCLA	(\$20,000.00)	126	003	
Ayala	Uptown Dance Academy, Inc. - Coalition School for Social Change (M409)	13-3891881	DCLA	\$20,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 5: Food Pantries Initiative - Fiscal 2018**

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Youth and Community Development -	13-6400434	DYCD	(\$183,801.00)	260	005	
Manhattan	West Side Center for Community Life, Inc.	71-0908184	DYCD	\$45,950.00	260	005	
Manhattan	Food Bank For New York City	13-3179546	DYCD	\$45,950.00	260	005	
Manhattan	Coalition for the Homeless, Inc.	13-3072967	DYCD	\$45,950.00	260	005	
Manhattan	City Harvest, Inc.	13-3170676	DYCD	\$45,951.00	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 6: Ending the Epidemic Initiative - Fiscal 2018**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Social Services	13-6400434	DSS/HRA	(\$60,000.00)	069	107	
Department of Social Services	13-6400434	DSS/HRA	(\$90,000.00)	069	107	
Housing Works, Inc.	13-3584089	DSS/HRA	\$150,000.00	069	107	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART 7: Local Initiatives - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Lancman	Church of the Immaculate Conception	11-1752022	DYCD	(\$5,000.00)	260	312			
Lancman	Kehilas Ishei Yisrael	56-2526290	DYCD	(\$10,000.00)	260	312			
Lancman	SCO Family of Services	11-2777066	DYCD	\$5,000.00	260	005			
Lancman	CHAZAQ Organization USA	46-2148352	DYCD	\$5,000.00	260	312			
Lancman	Agudath Israel of America Community Services, Inc.	13-3975090	DYCD	\$5,000.00	260	005			
Cabrera	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$10,000.00)	040	402			
Cabrera	Ballroom Basix USA, Inc.	27-3218865	DOE	\$10,000.00	040	402			
Ayala	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$5,000.00)	040	402			
Ayala	Ballroom Basix USA, Inc.	27-3218865	DOE	\$5,000.00	040	402			
Richards	Ballroom Basix USA, Inc.	27-5265003	DOE	(\$5,000.00)	040	402			
Richards	Ballroom Basix USA, Inc.	27-3218865	DOE	\$5,000.00	040	402			
Rosenthal	Ballroom Basix USA, Inc.	275265003	DOE	(\$3,500.00)	040	402			
Rosenthal	Ballroom Basix USA, Inc.	27-3218865	DOE	\$3,500.00	040	402			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 8: Aging Discretionary - Fiscal 2017**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	↑
Lancman	Congregation Etz Chaim of Kew Garden Hills	11-2585935	DFTA	(\$5,000.00)	125	003			
Lancman	India Home	20-8747291	DFTA	\$5,000.00	125	003			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 9: Youth Discretionary - Fiscal 2017**

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>Fiscal Conduit/Sponsoring Organization</b>	<b>Fiscal Conduit EIN</b>	<b>*</b>
Johnson	Parents-Teachers Association of Quest 2 Learn	27-1274060	DYCD	(\$500.00)	260	005			
Johnson	Roundabout Theatre Company, Inc.	13-6192346	DYCD	\$500.00	260	005			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 10: Purpose of Funds Changes - Fiscal 2018**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Anti-Poverty	Williams	Brooklyn Legal Services, Inc.	13-2605605	DSS/HRA	(\$5,000.00)	Funds will be used for critical legal services to low-income immigrants on employment-related issues. Clients will be assisted through advice, informal advocacy, and representation in administrative proceedings and litigation.	
Anti-Poverty	Williams	Brooklyn Legal Services, Inc.	13-2605605	DSS/HRA	\$5,000.00	Funds will be used for critical legal services to low-income immigrants on employment-related, income building and income maintenance, education, and tax issues. Clients will be assisted through advice, informal advocacy, and representation in administrative proceedings and litigation.	
Aging	Adams	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DFTA	(\$35,000.00)	To provide programming and recreational activities for seniors. Funds requested will be used for outreach materials, upgrade equipment (kitchen, freezers, oven) and other program cost.	
Aging	Adams	Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DFTA	\$35,000.00	To support programming for seniors- events and activities and general operating expenses for our senior center which focuses on the frail elder.	
Local	Cornegy	Vernon Avenue Project, Inc.	27-2995249	DYCD	(\$9,000.00)	Funding will increase Reconnect's capacity to serve more youth providing a pathway to economic independence and a pipeline to college and other educational opportunities.	*
Local	Cornegy	Vernon Avenue Project, Inc.	27-2995249	DYCD	\$9,000.00	To support supportive entry level employment programs in the 36th District.	
Local	Cornegy	Bridge Street Development Corporation	11-3250772	DYCD	(\$5,000.00)	Build, strengthen and sustain the governing body of the Bed Stuy Works Alliance (a coalition of Block and Tenant Associations in Bedford Stuyvesant) and document for replication in other neighborhoods;	*
Local	Cornegy	Bridge Street Development Corporation	11-3250772	DYCD	\$5,000.00	To support Bed Stuy Works Alliance (a coalition of Block and Tenant Associations in District 36) and costs related to *Flower Bedstuy - the annual neighborhood beautification event in District 36.	
Parks Equity Initiative	Powers	Turtle Bay Tree Fund, Inc.	13-2561121	DPR	(\$10,000.00)	For parks planting in Kips Bay	
Parks Equity Initiative	Powers	Turtle Bay Tree Fund, Inc.	13-2561121	DPR	\$10,000.00	For parks planting in Turtle Bay.	
Parks Equity Initiative	Dromm	Department of Parks and Recreation - Movie Night & Parks Security	13-6400434	DPR	(\$50,000.00)	Movie Nights at Travers Park (x2), Frank O'Connor (x1) & 90th Street Northern Playground (x1) at \$10K and Park Security Workers at Travers Park from May 1st - October 31st for \$40K.	

Parks Equity Initiative	Dromm	Department of Parks and Recreation - Movie Night & Parks Security	13-6400434	DPR	\$50,000.00	Movie Nights at Travers Park (x2), Frank O'Connor (x1) & 90th Street Northern Playground (x1) at \$10K and for the purchase of snow gator(s) for \$40K.
Afterschool Enrichment Initiative		Council For Unity, Inc.	11-2880221	DYCD	(\$40,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.
Afterschool Enrichment Initiative		Council For Unity, Inc.	11-2880221	DYCD	\$40,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 10: Purpose of Funds Changes - Fiscal 2018 (continued)**

Source Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Afterschool Enrichment Initiative	Educational Alliance, Inc.	13-5562210	DYCD	(\$75,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Educational Alliance, Inc.	13-5562210	DYCD	\$75,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	ExpandedED Schools, Inc.	13-4004600	DYCD	(\$4,000,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	ExpandedED Schools, Inc.	13-4004600	DYCD	\$4,000,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Sports and Arts in Schools Foundation, Inc.	11-3112635	DYCD	(\$1,000,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Sports and Arts in Schools Foundation, Inc.	11-3112635	DYCD	\$1,000,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Young Men's Christian Association of Greater New York	13-1624228	DYCD	(\$600,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$600,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	New York WEB Center, Inc.	20-5620848	DOE	(\$10,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	

Afterschool Enrichment Initiative	New York WEB Center, Inc.	20-5620848	DOE	\$10,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.
Afterschool Enrichment Initiative	Hunter College Foundation, Inc.	13-3598671	CUNY	(\$75,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.
Afterschool Enrichment Initiative	Hunter College Foundation, Inc.	13-3598671	CUNY	\$75,000.00	This initiative funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 11: Purpose of Funds Changes - Fiscal 2017**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Lancman	Yeshiva Tifereth Moshe	11-2149108	DYCD	(\$5,000.00)	Funding will go towards a program that provides an opportunity to merge school reform strategies with community resources. The program will encourage the school to provide safe and educationally enriching alternatives for children and youth during non-school hours, both before and after-school.	*
Local	Lancman	Yeshiva Tifereth Moshe	11-2149108	DYCD	\$5,000.00	Funding to support after-school programming including education on ethics of being a good citizen, physical activities, baseball trip and snacks.	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART 12: Beating Hearts Initiative - Fiscal 2018**

Member	Organization	EIN Number	*
Rose	St. John's Lutheran Church	13-2578419	

*\*\*\*Staten Island Heart Society, Inc. has received \$350,000 that will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. The non-profit organizations are listed above.*

At this point, the Speaker (Council Member Johnson) 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. 74

**Report of the Committee on Finance in favor of a Resolution approving 153 Manhattan Avenue, Block 1843, Lots 14, 15, and 16; Manhattan, Community District No. 7, Council District No. 7.**

The Committee on Finance, to which the annexed Land Use item was referred on May 9, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

May 9, 2018

TO: Hon. Daniel Dromm  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of May 9, 2018 - Resolution approving a tax exemption for five Land Use items (Council Districts 7, 8, 11, 34, and 43)

**Item 1: 153 Manhattan Avenue**

This property consists of 3 multiple dwellings with 64 units of affordable rental housing for low-income households owned by the 153 Manhattan Avenue Housing Development Fund Company (“HDFC”). The HDFC was formed under the not-for-profit laws of the State of New York on October 31, 1980, for the purpose of holding and operating a low-income housing project. The project was conveyed to the HDFC by the City of New York through the Department of Housing Preservation and Development (“HPD”) Community Management Program. As a condition for receiving the properties, the HDFC agreed to operate the premises solely as a housing project for low-income persons or families as defined in Article XI of the Private Housing Finance Law.

Over the course of the years, the suffered financial and physical distress, owing more than \$350,000 in taxes and incapable of financing its own rehabilitation. In 2013, the Council granted the property an Article XI property tax that helped alleviate the tax arrears issue and provided additional cash flow. In addition, in 2015, the property obtained an Article 8A loan from HPD to rehabilitate the project. HPD will also be providing the HDFC with a permanent loan so that the HDFC can pay for a boiler that was replaced in 2016.

While the project is currently physically and financially stable, HPD is requesting that the Council approve a partial, 40-year Article XI tax exemption for the HDFC to ensure long-term financial stability and to extend the affordability of the project. HPD and the HDFC would enter into a regulatory agreement ensuring that the units are rented only to households earning up to 80% of the Area Median Income (“AMI”).

Summary:

- Borough-Manhattan
- Block 1843, Lots 14, 15, and 16
- Council District-7
- Council Member-Levine
- Council Member approval-Yes
- Number of buildings-3
- Number of units-64
- Type of exemption-Article XI, Partial, 40 years
- Population-low-income rental housing
- Sponsor-Manhattan Valley Development Corporation
- Purpose-Preservation
- Cost to the City-\$2.6M
- Housing Code Violations-
  - Class A: 72
  - Class B: 151
  - Class C: 24
- Anticipated AMI targets-80% AMI

**Item 2: 1025-1027 Leggett Avenue**

1025-1027 Leggett Avenue, located in the Woodstock section of the Bronx, is a limited-equity cooperative comprised of a single six-story walk-up building with 48 residential units and 4 commercial units. Forty-four of the residential units are currently owned by low-income shareholders, two units are vacant pending future sales, and one unit is presently occupied by a renter. This project was created in 1982 through the Tenant Interim Lease (TIL) program. The co-op entered into a tax amnesty agreement with HPD Asset Management in October 2017 to clear all tax arrears accumulated prior to 2001, and the property also receives a partial Article XI exemption that is set to expire in 2029.

Under the proposed project, the property would undergo a moderate rehabilitation to replace the roof and boiler, along with exterior concrete surfaces and basement concrete slabs. The building also requires significant masonry work, including the replacement of several walls and parapets. The boiler will be replaced, as will pipe and electric wiring throughout the building. Kitchens and bathrooms will be rehabilitated in each unit with new appliances and cabinetry installed. Doors and windows will be replaced throughout the building. To finance the project, 1025-1027 Leggett Avenue HDFC is seeking loans worth approximately \$1.3 million from the Community Preservation Corporation (CPC) and \$3.7 million from HPD.

HPD is requesting the Council approve a full Article XI tax exemption for a period of 40 years, with the first seven years being retroactive. for the residential condominium owned by the HDFC. HPD and the HDFC will enter into a regulatory agreement ensuring that the units are sold only to households earning up to 120%.

Summary:

- Borough-Bronx
- Block 2720, Lot 41
- Council District-8
- Council Member-Ayala
- Council Member approval-Yes
- Number of buildings-1

- Number of units-48
- Type of exemption-Article XI, Full, 40 years
- Population-low-income co-ops
- Sponsor-Cooper 1025-1027 Leggett Ave HDFC
- Purpose-Preservation
- Cost to the City-\$2M
- Housing Code Violations-
  - Class A: 8
  - Class B: 15
- Anticipated AMI targets-120% AMI

### **Item 3: Mosholu Grand**

This property will consist of one new residential building with 152 units, including one superintendent's unit, of rental housing in the Bedford Park section of the Bronx. Under the proposed project, HP Mosholu Grand Housing HDFC will acquire the property and Mosholu Grand LIHTC LLC and Mosholu Grand LLC will be the beneficial owners of the lower income tax credit condominium unit and non-tax credit condominium unit, respectively, and will both operate the property. The HDFC and the LLCs will finance the acquisition and construction of the project with loans from the New York City Housing Development Corporation and HPD, low-income housing tax credits, and developer's equity.

In order to facilitate the project, HPD is requesting that the Council approve a full, 40-year Article XI exemption and, in exchange, the HDFC will enter into a regulatory agreement with HPD ensuring that 76 of the units would be rented only to households earning up to 60% of AMI, 52 units would be rented only to households earning up to 90% of AMI, and 23 units would be rented only to households earning up to 110% of AMI.

#### **Summary:**

- Borough-Bronx
- Block 3313, Lots 17 and 18
- Council District-11
- Council Member-Cohen
- Council Member approval-Yes
- Number of buildings-1
- Number of units-152
- Type of exemption-Article XI, Full, 40 years
- Population-low-income rental housing
- Sponsor-Mosholu Grand LLC
- Purpose-New construction
- Cost to the City-\$10M
- Housing Code Violations-N/A
- Anticipated AMI targets-
  - 76 units at 60% of AMI
  - 52 units at 90% of AMI
  - 23 units at 110% of AMI

### **Item 4: Grower Green**

Grower Green consists of 13 multiple dwellings with 358 units of rental housing for low-income households. The rents are set by HPD pursuant to Article 8. The property has experienced significant tax increases due to its

location. Under the proposed project, Grower Green HDFC will acquire the property from the current owner, 236-1 Development Associates (Green) L.P. After the transfer, the Partnership will continue to be the beneficial owner and will operate the property. In order to maintain affordability, HPD is requesting that the Council approve a partial, 35-year Article XI property tax exemption. The HDFC and the Partnership would enter into a regulatory agreement ensuring that units would be rented only to households earning up to 50% of AMI.

Summary:

- Borough-Brooklyn
- Block 2412, Lots 25, 27, 30, 33; Block 2413, Lot 31; Block 2421, Lot 35; Block 2424, Lots 6, 9, 12, 14, 16, 35; Block 2437, Lot 3
- Council District-34
- Council Member-Reynoso
- Council Member approval-Yes
- Number of buildings-13
- Number of units-358
- Type of exemption-Article XI, Partial, 35 years
- Population-low-income rental housing
- Sponsor-Kraus Enterprises
- Purpose-Preservation
- Cost to the City-\$22.6M
- Housing Code Violations-
  - Class A: 9
  - Class B: 10
  - Class C: 5
- Anticipated AMI targets-50% AMI

**Item 5: Livonia Regina**

Regina Pacis, to be known as Livonia Regina, is a State-supervised Mitchell-Lama rental building located at 2424 Cropsey Avenue in the Gravesend neighborhood in Brooklyn consisting of one multiple dwelling with 168 units, including one superintendent's unit, of rental housing. The project sponsor, a joint venture between CB-Emmanuel and Phoenix Realty Group, will purchase the property from Regina Pacis Housing Corporation, an existing Article II Corporation, and renovate the building using tax-exempt bonds issued by the New York State Housing Finance Agency (HFA), in conjunction with low-income housing tax credit equity and a subsidy loan from the HFA Mitchell-Lama Loan Program. The property will exit the Mitchell-Lama program and the new legal owner of the property will be Livonia Regina HDFC. Upon exit from the Mitchell-Lama program, the units in the building will become rent-stabilized. One hundred and twenty-one of the units will be covered by a 20-year NYCHA Project-Based Voucher Housing Assistance Program (HAP) contract

The property will receive a moderate rehabilitation, and the scope of work will include the upgrade/replacement of the roof, elevators, lobby, community rooms, laundry facilities, corridor lighting and flooring as well as partial or full replacement of apartment entry doors, windows, kitchen appliances, cabinets, countertops, bathroom sinks, toilets, lighting, and electric panels. The renovation will also include the upgrade of nine units to current Uniform Federal Accessibility Standards (UFAS).

In order to facilitate the project, HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption. The HDFC and HPD would enter into a regulatory agreement ensuring that 166 of the units would be rented only to households earning up to 60% AMI and one unit would be rented only to a household earning up to 95% of AMI.

Summary:

- Borough-Brooklyn
- Block 6927, Lot 60
- Council District-43
- Council Member-Brannan
- Council Member approval-Yes
- Number of buildings-1
- Number of units-168
- Type of exemption-Article XI, Partial, 40 years
- Population-low-income rental housing
- Sponsor- CB-Emmanuel; Phoenix Realty Group
- Purpose-Preservation
- Cost to the City-\$8.5M
- Housing Code Violations-none
- Anticipated AMI targets-
  - 166 units at 60% AMI
  - 1 unit at 95% AMI

**(For text of the coupled resolutions for L.U. Nos. 75, 76, 77, and 78, please see, respectively, the Reports of the Committee on Finance for L.U. Nos. 75, 76, 77, and 78 printed in these Minutes; for the text of the coupled resolution for L.U. No. 74, please see below)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 74, 75, 76, 77, and 78.*

In connection herewith, Council Members Dromm offered the following resolution:

Res. No. 342

**Resolution approving an exemption from real property taxes for property located at (Block 1843, Lots 14, 15, and 16) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 74).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 2, 2018 that the Council take the following action regarding a housing project located at (Block 1843, Lots 14, 15, and 16) 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 that HPD and the Owner enter into the Regulatory Agreement.
  - b. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1843, Lots 14, 15, and 16 on the Tax Map of the City of New York.
  - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of 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. "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).
  - e. "Gross Rent Tax" shall mean an amount equal to one percent (1%) of the Gross Rent in the tax year in which such real property tax payment is made.
  - f. "HDFC" shall mean 153 Manhattan Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "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 New York City Council on July 24, 2013 (Resolution No. 1872-2013).
  - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operating of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. 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.

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 buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
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.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 9, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 75

**Report of the Committee on Finance in favor of a Resolution approving 1025-1027 Leggett Avenue, Block 2720, Lot 41; Bronx, Community District No. 2, Council District No. 8.**



The Committee on Finance, to which the annexed Land Use item was referred on May 9, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 74 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 343

**Resolution approving an exemption from real property taxes for property located at (Block 2720, Lot 41) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 75).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 23, 2018 that the Council take the following action regarding a housing project located at (Block 2720, Lot 41) Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean July 1, 2011.
  - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2720, Lot 41 on the Tax Map of the City of New York.
  - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of 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 1025-1027 Leggett Avenue Housing Development Fund Corporation 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. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - g. "Owner" shall mean the HDFC.
  - h. "Prior Exemption" shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.
  - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption on or after the date such Regulatory Agreement is executed.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to 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.
  5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 9, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 76

**Report of the Committee on Finance in favor of a Resolution approving Livonia Regina, Block 6927, Lot 60; Brooklyn District No. 11, Council District No. 43.**

The Committee on Finance, to which the annexed Land Use item was referred on May 9, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 74 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 344

**Resolution approving an exemption from real property taxes for property located at (Block 6927, Lot 60) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 76).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 9, 2018 that the Council take the following action regarding a housing project located at (Block 6927, Lot 60) 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. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 6927, Lot 60 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “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).
  - f. “Gross Rent Tax” shall mean an amount equal to six and one-half percent (6.50%) of the Gross Rent in the tax year in which such real property tax payment is made.
  - g. “HDFC” shall mean Livonia Regina 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. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Nominal Tax” shall mean an amount of one-hundred dollars (\$100).
  - k. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - l. “Partnership” shall mean Regina Pacis Owner, LP or a limited partnership that acquires the beneficial interest in the Exemption Area with the approval of HPD.
  - m. “Prior Exemption” shall mean the existing tax exemption for the Exemption Area pursuant to Section 33 of the Private Housing Finance Law.
  - n. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business 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.
4. Commencing upon the Effective Date, during each year thereafter until the eighteenth anniversary of the Effective Date, the Owner shall make real property tax payments in the sum of the Nominal Tax. Commencing upon the eighteenth anniversary of 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 any 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.
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.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 9, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 77

**Report of the Committee on Finance in favor of a Resolution approving Mosholu Grand, Block 3313, Lots 17 and 18; Bronx, Community District No. 7, Council District No. 11**

The Committee on Finance, to which the annexed Land Use item was referred on May 9, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 74 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 345

**Resolution approving an exemption from real property taxes for property located at (Block 3313, Lots 17 and 18) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 77).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 9, 2018 that the Council take the following action regarding a housing project located at (Block 3313, Lots 17 and 18) Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.

- b. "Companies" shall mean Mosholu Grand LIHTC LLC and Mosholu Grand LLC or limited liability companies that acquire the beneficial interests in the Exemption Area with the approval of HPD.
  - 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 3313, Lots 17 and 18 on the Tax Map of the City of New York.
  - f. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - g. "HDFC" shall mean HP Mosholu Grand Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. "Owner" shall mean, collectively, the HDFC and the Companies.
  - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than 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.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 9, 2018.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 78

**Report of the Committee on Finance in favor of a Resolution approving Grower-Green, Block 2412, Lots 25, 27, 30, and 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16, and 35, Block 2437, Lot 3; Brooklyn, Community District No. 1, Council District No. 34.**

The Committee on Finance, to which the annexed Land Use item was referred on May 9, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 74 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 346

**Resolution approving an exemption from real property taxes for property located at (Block 2412, Lots 25, 27, 30, 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16, 35 Block 2437, Lot 3) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 78).**

By Council Member Dromm.



**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 23, 2018 that the Council take the following action regarding a housing project located at (Block 2412, Lots 25, 27, 30, 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16, 35 Block 2437, Lot 3) 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. "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.
  - b. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2412, Lots 25, 27, 30, 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16 , 35, and Block 2437, Lot 3, on the Tax Map of the City of New York.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of 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 Grower-Green Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. "Owner" shall mean, collectively, the HDFC and the Partnership.
  - h. "Partnership" shall mean 236-1 Development Associates (Green) L.P. or partnerships that acquire the beneficial interest in the Exemption Area with the approval of HPD.
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

- j. "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).
  - k. "Gross Rent Tax" shall mean an amount equal to five percent (5%) of Gross Rent in the tax year in which such real property tax payment is made.
- 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 any 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 the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area, are hereby revoked as of the Effective Date.
- 5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 9, 2018.

On motion of the Speaker (Council Member Johnson), 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 Fire and Emergency Management**

Report for Int. No. 599-A

**Report of the Committee on Fire and Emergency Management 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 fire department to conduct outreach and education to residential buildings.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 892), respectfully

### **REPORTS:**

#### **I. Introduction**

On May 8, 2018, the Committee on Fire and Emergency Management, chaired by Council Member Joseph C. Borelli, will be voting on four bills: Prop. Int. No. 599-A, Prop. Int. No. 603-A, Prop. Int. No. 608-A, and Prop. Int. No. 609-A. The Committee previously held a hearing on these bills on February 26, 2018, and received testimony from the Fire Department (FDNY), housing advocates, members of the real estate industry, and other interested members of the public.

#### **II. Prop. Int. No. 599-A**

As introduced, Int. No. 599 required that the Fire Department to conduct proactive outreach to residential buildings regarding fire safety, education, and prevention to ensure that building staff and residents are adequately informed of appropriate fire safety measures in place. Additionally, the Department would be required to report on relevant outreach activities annually. This legislation takes effect 120 days after it becomes law.

The bill has been amended since its introduction. Specifically, the reporting requirement contained in Prop. Int. 599-A is deemed to be repealed 5-years following enactment of the bill.

#### **III. Prop. Int. No. 603-A**

As introduced, Int. No. 603 required the Fire Department to conduct fire hydrant inspections every six months to ensure that the Department regularly identifies inoperable hydrants that require maintenance and repairs. Additionally, the Department would be required to report on the results of such hydrant inspections. This legislation takes effect 120 days after it becomes law.

The bill has been amended since its introduction. Specifically, Prop. Int. 603-A changes the reporting requirements such that: (i) the Department of Environmental Protection is responsible for submitting reports on inspections; (ii) the specific locations of inoperable hydrants are no longer required to be reported; and (iii) the

reporting on hydrants found to be inoperable on multiple occasions covers a 12-month timeframe as compared to the 18-month lookback contained in the initial bill.

**IV. Prop. Int. No. 608-A**

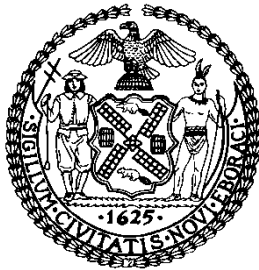
As introduced, Int. No. 608 required owners of multiple dwelling apartments to post notice in conspicuous locations regarding the importance of individuals closing doors behind them when escape a building during a fire. The bill was amended to reflect the appropriate administrative code section.

**V. Prop. Int. No. 609-A**

Int. No. 609 requires the Fire Department to develop and implement a plan for educating children and parents of common fire safety dangers and preventative measures to be taken by parents. Such a requirement would be targeted to reduce residential fires started by children who might otherwise be unaware of various fire safety measures. Additionally, the Fire Department would be required to report on such activities taken pursuant to this requirement.

The bill has been amended since its introduction. Specifically, the reporting requirements contained in Prop. Int. 609-A is deemed to be repealed 5-years following enactment of the bill.

**(The following is the text of the Fiscal Impact Statement for Int. No. 599-A:)**



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

**PROPOSED INTRO. NO: 599-A**

**COMMITTEE: Fire and Emergency Management**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to conduct outreach and education to residential buildings

**SPONSORS:** The Speaker (Council Member Johnson) and Council Members Deutsch, Kallos, Constantinides and Borelli

**SUMMARY OF LEGISLATION:** Proposed Intro. 599-A would require the Fire Department of New York (FDNY) to make efforts to ensure that appropriate fire safety procedures, resources, and educational materials are provided to residential building tenants. These efforts would include ensuring compliance with the Fire Code, providing fire safety and prevention educational materials, and providing relevant trainings to building staff. Additionally, beginning on January 31, 2019 and for five years thereafter, this bill would require FDNY to electronically submit to the Mayor and the Speaker of the Council, and post on its website a report on such efforts during the previous calendar year.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation. However, FDNY testified that the Department currently does not have an inspection to inspect inside of dwelling units, but typically requires Building Information Sheets to be posted in the lobby of residential buildings. Additionally, according to FDNY, the Department will increase communications with the building owners in order to comply with this legislation, and that this legislation codifies the work that the Department already does.

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

**SOURCE OF INFORMATION:** New York City Legislative Affairs  
Fire Department of New York

**ESTIMATE PREPARED BY:** Jin Lee, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 15, 2018 as Intro. No. 599 and referred to the Committee on Fire and Emergency Management. A hearing was held jointly by the Committee on Fire and Emergency Management and the Committee on Housing and Buildings on February 26, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 599-A, will be voted on by the Committee on Fire and Emergency Management at a hearing on May 8, 2018. Upon successful vote by the Committee, Proposed Intro. No. 599-A will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 7, 2018.

**(For text of Int. Nos. 603-A, 608-A, and 609-A and their Fiscal Impact Statements, please see the Report of the Committee on Fire and Emergency Management for Int. Nos. 603-A, 608-A, and 609-A, respectively, printed in these Minutes; for text of Int. No. 599-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 599-A, 603-A, 608-A, and 609-A.*

**(The following is the text of Int. No. 599-A:)**

## Int. No. 599-A

By The Speaker (Council Member Johnson) and Council Members Deutsch, Kallos, Constantinides, Ampry-Samuel, Rivera, Miller and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to conduct outreach and education to residential buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

*§ 15-132 Residential education and outreach. a. The department shall make a good faith effort to directly contact owners and occupants of R-2 multiple dwellings to ensure that appropriate fire safety procedures, resources, and educational materials are in place. These efforts shall include, where appropriate, (i) ensuring compliance with fire code section 401.6 and applicable department rules relating to owners providing notice to occupants of fire safety measures, (ii) providing fire safety and fire prevention educational materials, and (iii) providing relevant training to staff at such dwellings.*

*b. Beginning January 31, 2019 and annually thereafter, the department shall electronically submit to the mayor and the speaker of the council and post on its website a report describing the activities taken pursuant to this section during the previous calendar year.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of fire may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date. Subdivision b of section 15-132 of the administrative code of the city of New York, as added by section one of this local law, is deemed repealed 5 years after it becomes law.

JOSEPH C. BORELLI, Chairperson; FERNANDO CABRERA, ALAN N. MAISEL ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, May 8, 2018.

On motion of the Speaker (Council Member Johnson), 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. 603-A

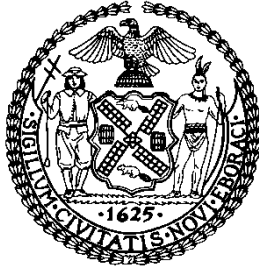
**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to meet certain standards for fire hydrant inspections and report on fire hydrant inspection results.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 896), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for 599-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 603-A:*



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

**PROPOSED INTRO. NO:** 603-A  
**COMMITTEE:** Fire and Emergency Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to meet certain standards for fire hydrant inspections and report on fire hydrant inspection results

**SPONSORS:** Council Member Constantinides, Yeger, Deutsch and Kallos

**SUMMARY OF LEGISLATION:** Proposed Intro. 603-A would require the Fire Department to conduct fire hydrant inspections twice a year and require the Department of Environmental Protection to report on the results of such inspections.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

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

**SOURCE OF INFORMATION:** New York City Legislative Affairs  
 Fire Department of New York

**ESTIMATE PREPARED BY:** Jin Lee, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
 Eisha Wright, Unit Head  
 Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 15, 2018 as Intro. No. 603 and referred to the Committee on Fire and Emergency Management. A hearing was held jointly by the Committee on Fire and Emergency Management and the Committee on Housing and Buildings on February 26, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 603-A will be voted on by the Committee on Fire and Emergency Management at a hearing on May 8, 2018. Upon successful vote by the Committee, Proposed Intro. No. 603-A will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 7, 2018.

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

**(The following is the text of Int. No. 603-A:)**

Int. No. 603-A

By Council Members Constantinides, Yeger, Deutsch, Kallos, Rivera and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to meet certain standards for fire hydrant inspections and report on fire hydrant inspection results**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-134 to read as follows:

*§ 15-134 Fire hydrant inspection standards and tracking. a. The department shall inspect all fire hydrants maintained by the department of environmental protection at least twice per calendar year, the first inspection occurring by June 30 and the second inspection occurring by December 31.*

*b. By March 1 of each year, the department of environmental protection shall post on its website the following information:*

*1. The total number of fire hydrants subject to inspection pursuant to paragraph a of this section, aggregated citywide and disaggregated by borough and council district;*

*2. The total number of fire hydrant inspections conducted pursuant to paragraph a of this section during the prior calendar year, aggregated citywide and disaggregated by borough and council district;*

*3. The total number of fire hydrants found to be inoperable through inspection during the prior calendar year;*

*4. The total number of fire hydrants categorized as priority by the fire department found to be inoperable through inspection during the prior calendar year; and*

*5. The total number of fire hydrants categorized as priority by the fire department that were found inoperable during the inspection to be conducted by June 30 and the total number of such hydrants that were not made operable by December 31, disaggregated by borough and council district.*

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

JOSEPH C. BORELLI, Chairperson; FERNANDO CABRERA, ALAN N. MAISEL ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, May 8, 2018.



On motion of the Speaker (Council Member Johnson), 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. 608-A

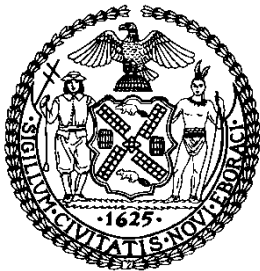
**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring notice to close doors when escaping a fire.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 901), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Fire and Emergency Management for 599-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 608-A:*



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

**PROPOSED INTRO. NO: 608-A**

**COMMITTEE: Fire and Emergency Management**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to close doors when escaping a fire

**SPONSORS:** Council Members Torres, Deutsch, Chin, Ampry-Samuel, Levine, Holden, Kallos, Constantinides and Borelli (by request of the Bronx Borough President)

**SUMMARY OF LEGISLATION:** Proposed Intro. 608-A would require the Fire Department of New York (FDNY) to require owners of residential buildings to post a notice in conspicuous locations indicating that those escaping a fire should close all doors behind them.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

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

**SOURCE OF INFORMATION:** New York City Legislative Affairs  
Fire Department of New York

**ESTIMATE PREPARED BY:** Jin Lee, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 15, 2018 as Intro. No. 608 and referred to the Committee on Fire and Emergency Management. A hearing was held jointly by the Committee on Fire and Emergency Management and the Committee on Housing and Buildings on February 26, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 608-A will be voted on by the Committee on Fire and Emergency Management at a hearing on May 8, 2018. Upon successful vote by the Committee, Proposed Intro. No. 608-A will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 7, 2018.

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

**(The following is the text of Int. No. 608-A:)**

Int. No. 608-A

By Council Members Torres, Deutsch, Chin, Ampry-Samuel, Levine, Holden, Kallos, Constantinides, Rivera, Miller and Borelli (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to close doors when escaping a fire**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-135 to read as follows:

*§ 15-135 Notice regarding closed doors and fires. The department shall require owners of multiple dwellings to post a notice in conspicuous locations indicating that those escaping a fire should close all doors behind them.*

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

JOSEPH C. BORELLI, Chairperson; FERNANDO CABRERA, ALAN N. MAISEL ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, May 8, 2018.

On motion of the Speaker (Council Member Johnson), 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. 609-A

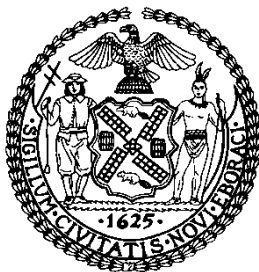
**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement a plan for educating both children and parents about fire safety and prevention.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 901), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Fire and Emergency Management for 599-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 609-A:*



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

**PROPOSED INTRO. NO: 609-A**

**COMMITTEE: Fire and Emergency Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement a plan for educating both children and parents about fire safety and prevention

**SPONSORS:** Council Members Torres, Deutsch, Levine, Chin, Holden, Ampry-Samuel, Borelli and Ulrich (by request of the Bronx Borough President)

**SUMMARY OF LEGISLATION:** Proposed Intro. 609-A would require the Fire Department of New York (FDNY), in consultation with the Department of Education (DOE), to develop and implement a plan for educating both children and parents about fire safety and prevention. Such plan would include, but not be limited to the following: public service announcements, outreach in public and non-public schools about common fire dangers and children, and preventative measures to be taken by parents. Additionally, beginning on January 31, 2019 and for five years thereafter, the Department would be required to electronically submit to the Mayor and the Speaker of the Council, and post on its website an annual report with the activities taken on such efforts under this legislation.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation. According to FDNY, the Department does not anticipate that this bill will cause an increase in demand for their education services, but would potentially require additional staffing in the future to meet the growing need. The Department would not be able to quantify how many additional staff, if any, they will need in the future because it is difficult to anticipate how high the new demand would be. Additionally, during the February 26, 2018 hearing on the bill, the Department expressed that the Department would have to shift funding appropriation from operations into programs to cover the costs for the additional programs.

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

**SOURCE OF INFORMATION:** New York City Legislative Affairs  
Fire Department of New York

**ESTIMATE PREPARED BY:** Jin Lee, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 15, 2018 as Intro. No. 609 and referred to the Committee on Fire and Emergency Management. A hearing was held jointly by the Committee on Fire and Emergency Management and the Committee on Housing and Buildings on February 26, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 609-A will be voted on by the Committee on Fire and Emergency Management at a hearing on May 8, 2018. Upon successful vote by the Committee, Proposed Intro. No. 609-A will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 7, 2018.

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

**(The following is the text of Int. No. 609-A:)**

Int. No. 609-A

By Council Members Torres, Deutsch, Levine, Chin, Holden, Ampry-Samuel, Kallos, Constantinides, Rivera, Miller, Borelli and Ulrich (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to implement a plan for educating both children and parents about fire safety and prevention**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-133 to read as follows:

*§ 15-133 Youth education and outreach. a. The department, in consultation with the department of education, shall develop and implement a plan for educating both children and parents about fire safety and prevention. Such plan shall include but need not be limited to public service announcements, outreach in public and non-public schools about common fire dangers for children and preventative measures to be taken by parents.*

*b. Beginning January 31, 2019 and annually thereafter, the department shall electronically submit to the mayor and the speaker of the council and post on its website a report describing the activities taken pursuant to this section during the previous calendar year.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of fire may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date. Subdivision b of section 15-133 of the administrative code of the city of New York, as added by section one of this local law, is deemed repealed 5 years after it becomes law.

JOSEPH C. BORELLI, Chairperson; FERNANDO CABRERA, ALAN N. MAISEL ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, May 8, 2018.

On motion of the Speaker (Council Member Johnson), 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. 602-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 self-closing doors.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 896), respectfully

**REPORTS:**Introduction

On May 7, 2018, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will consider Proposed Introduction No. 602-A, Proposed Introduction No. 604-A, Proposed Introduction No. 606-A and Proposed Introduction No. 610-A.

Proposed Legislation

Below is a brief summary of each of the pieces of legislation being heard 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. 602-A

Currently, the provisions of the Multiple Dwelling Law and the Building Code do not uniformly require that all doors be self-closing. This legislation would require that all doors in residential occupancies be self-closing by July 31, 2021, and also creates a class C violation of the Housing Maintenance Code for failure to keep and maintain self-closing doors. The section that would amend the Building Code takes effect immediately. The section that would create a Housing Maintenance Code violation takes effect after one year.

Proposed Int. No. 604-A

This bill would require that, where a smoke alarm or detector is within an area of 20 feet from a stationary or fixed cooking appliance in all residential buildings, after January 1, 2021, that smoke alarms must be listed in accordance with the 8th edition of UL 217, and smoke detectors must be listed in accordance with the 7th edition of UL 268, which include standards for reduction of nuisance alarms. This legislation takes effect immediately.

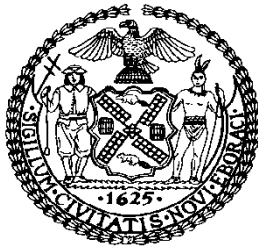
Proposed Int. No. 606-A

This bill would require the Fire Department, in consultation with the Office of Emergency Management and the Mayor's Office for People with Disabilities, to develop a checklist to assist individuals with disabilities or limited mobility in developing individualized emergency evacuation plans. Such checklist will include information pertaining to evacuation assistance devices, other means of evacuation, and outline recommended measures to be taken to facilitate an individual's safe evacuation in case of emergency. The checklist will be distributed to all residents as part of the required emergency preparedness guides distributed in R2 occupancies. This legislation takes effect 120 days after it becomes law.

Proposed Int. No. 610-A

Stove knob covers are hinged devices that go over a stove knob, and allow the user of the stove to lock the cover in place while the stove is not in use. When the stove is in use, the covers open so that the user does not have to remove the cover entirely. This legislation would require that all landlords provide stove knob covers to tenants of units where children under the age of six reside. Additionally, a tenant may opt-out of receiving such knobs. Under this legislation, landlords would be liable for a class B hazardous violation for not providing a stove knob cover. This legislation takes effect 120 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 602-A:)**



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

**PROPOSED INTRO. NO: 602-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to self-closing doors  
**SPONSORS:** Council Members Borelli, Yeger, Deutsch, Ampry-Samuel and Kallos

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 602-A would require all doors leading to interior stairways or corridors in occupancy R-1 and R-2 groups to be self-closing by July 31, 2021. Residential property owners would also be required to keep and maintain the devices in good repair. Failure to comply with the legislation would be a Class C immediately hazardous violation.

**EFFECTIVE DATE:** Section one of this local law would take effect immediately. Section two of this local law would take effect one year after it becomes law, except that the Commissioner of HPD may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY20</b>
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. While HPD may impose penalties for failing to keep and maintain self-closing doors, full compliance with the legislation is assumed.

**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 equipping doors with self-closing devices in accordance with the legislation.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 602 and was referred to the Committee on Housing and Buildings. A joint hearing was held by the Committee on Housing and Buildings and the Committee on Fire and Emergency Management on February 26, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 602-A, will be considered by the Committee on Housing and Buildings on May 7, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 2, 2018.

**(For text of Int. Nos. 604-A, 606-A, 610-A and their Fiscal Impact Statements, please see the Reports of the Committee on Finance for Int. Nos. 604-A, 606-A, and 610-A, respectively, printed in these Minutes; for text of Int. No. 602-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 602-A, 604-A, 606-A, and 610-A.*

**(The following is the text of Int. No. 602-A:)**

Int. No. 602-A

By Council Members Borelli, Yeger, Deutsch, Ampry-Samuel, Kallos and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to self-closing doors**

*Be it enacted by the Council as follows:*

Section 1. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York, as amended by local law number 79 for the year 2016, is amended to add a new section 28-315.10 to read as follows:

*§ 28-315.10 Self-closing doors. All doors providing access to interior corridors or stairs in occupancy groups R-1 and R-2 shall be self-closing or equipped with a device that will ensure closing after having been opened by July 31, 2021.*

§ 2. Article 11 of chapter 2 of title 27 of the administrative code of the city of New York, is amended to add a new section 27-2041.1 to read as follows:

*§ 27-2041.1 Self-closing doors. a. It shall be the duty of the owner of a multiple dwelling, which is required to be equipped with self-closing doors pursuant to section 28-315.10, or any other applicable law, to keep and maintain such doors in good repair.*



*b. Any owner required to keep and maintain self-closing doors pursuant to subdivision a of this section who fails to keep or maintain such doors shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be twenty-one days after service of the notice of violation.*

§ 3. Section one of this local law takes effect immediately. Section two of this local law takes effect one year after it becomes law, except that the 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.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; JUMAANE WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 7, 2018.

On motion of the Speaker (Council Member Johnson), 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. 604-A

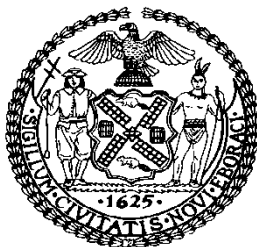
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requirements for smoke alarms and smoke detectors in residential and non-residential occupancies.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 897), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 602-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 604-A:*



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

**PROPOSED INTRO. NO: 604-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requirements for smoke alarms and smoke detectors in residential and non-residential occupancies

**SPONSORS:** Council Members Cornegy, Deutsch and Kallos

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 604-A would require that, where a smoke alarm or detector is within an area of 20 feet from a stationary or fixed cooking appliance in all residential buildings, after January 1, 2021, that smoke alarms must be listed in accordance with the 8th edition of UL 217, and smoke detectors must be listed in accordance with the 7th edition of UL 268.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY18</b>	<b>FY Succeeding Effective FY19</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because non-City entities would bear the costs of installing smoke alarms and smoke detectors in residential occupancies in accordance with the legislation.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 604 and was referred to the Committee on Housing and Buildings. A joint hearing was held by the Committee on Housing and Buildings and the Committee on Fire and Emergency Management on February 26, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 604-A, will be considered by the Committee on Housing and Buildings on May 7, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 3, 2018.

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

**(The following is the text of Int. No. 604-A:)**

## Int. No. 604-A

By Council Members Cornegy, Deutsch and Kallos.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requirements for smoke alarms and smoke detectors in residential and non-residential occupancies**

*Be it enacted by the Council as follows:*

Section 1. Article 312 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-312.8 to read as follows:

**§ 28-312.8 Location of smoke alarms and smoke detectors.** *On or after January 1, 2021, smoke alarms and smoke detectors installed or replaced in group R occupancies shall be installed in accordance with section 907.2.11.5 of the New York city building code.*

§ 2. Chapter 9 of the New York city building code is amended by adding a new section 907.2.11.5 to read as follows:

**907.2.11.5 Smoke alarms and smoke detectors in group R occupancies.** *On and after January 1, 2021, smoke alarms and smoke detectors shall not be installed or replaced in an individual dwelling or sleeping unit, including dwellings or units in prior code buildings, within an area of exclusion determined by a 20 foot (6.0 m) radial distance along a horizontal flow path from a stationary or fixed cooking appliance, unless listed in accordance with the 8th edition of UL 217 for smoke alarms or the 7th edition of UL 268 for smoke detectors.*

§ 3. Appendix Q of the New York city building code is amended by adding a new section BC Q107 to read as follows:

**SECTION BC Q107  
INSTALLATION OF FIRE ALARMS**

**Q107.1 General.** *Fire alarms, where required by this code, shall be installed in accordance with NFPA 72, National Fire Alarm and Signaling Code, 2010 edition, modified for New York City as set forth below. Refer to the rules of the department for any other additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.*

**29.8.3.4(4)** *Delete and replace with the following: Smoke alarms and smoke detectors shall not be installed within an area of exclusion determined by a 10 ft (3.0 m) radial distance along a horizontal flow path from a stationary or fixed cooking appliance, unless listed for installation in close proximity to cooking appliances. Smoke alarms and smoke detectors installed between 10 ft (3.0 m) and 20 ft (6.1 m) along a horizontal flow path from a stationary or fixed cooking appliance shall be equipped with an alarm-silencing means or use photoelectric detection. On and after January 1, 2021, the requirements of this section shall apply only to occupancy groups other than group R.*

**Exception:** *Smoke alarms or smoke detectors that use photoelectric detection shall be permitted for installation at a radial distance greater than 6 ft (1.8 m) from any stationary or fixed cooking appliance when the following conditions are met:*

- (a) The kitchen or cooking area and adjacent spaces have no clear interior partitions or headers; and*

*(b) The 10ft (3.0 m) area of exclusion would prohibit the placement of a smoke alarm or smoke detector required by other sections of this code.*

§ 4. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; JUMAANE WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 7, 2018.

On motion of the Speaker (Council Member Johnson), 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. 606-A

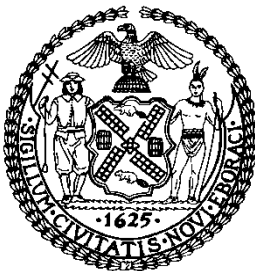
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to emergency evacuation preparedness for individuals with disabilities or limited mobility.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 900), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 602-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 606-A:*



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

**PROPOSED INTRO. NO: 606-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to emergency evacuation preparedness for individuals with disabilities or limited mobility

**SPONSORS:** Council Members Richards, Deutsch, Kallos and Constantinides

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 606-A would require the Department of Housing Preservation and Development (HPD), in coordination with the Office of Emergency Management and the Mayor's Office

for People with Disabilities, to develop a planning checklist to assist in the evacuation of individuals with limited mobility. The checklist would be distributed to residents of R-2 occupancies and would be made publically available on HPD’s website.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

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**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is 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:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 606 and was referred to the Committee on Housing and Buildings. A joint hearing was held by the Committee on Housing and Buildings and the Committee on Fire and Emergency Management on February 26, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 606-A, will be considered by the Committee on Housing and Buildings on May 7, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 3, 2018.

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

**(The following is the text of Int. No. 606-A:)**

## Int. No. 606-A

By Council Members Richards, Deutsch, Kallos, Constantinides, Treyger and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to emergency evacuation preparedness for individuals with disabilities or limited mobility**

*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 15-134 to read as follows:

*§ 15-134. Emergency evacuation planning for individuals with limited mobility. By March 1, 2019, the department, in consultation with the office of emergency management and the mayor's office for people with disabilities, and in conjunction with fire code emergency preparedness requirements for apartment buildings, shall develop a planning checklist to be provided to residents in group R-2 occupancies, including individuals with disabilities or limited mobility, to assist in the development of individualized emergency evacuation plans. Such checklist shall inform residents about the availability of evacuation assistance devices and other means of evacuation, and outline recommended measures that individuals with disabilities or limited mobility can proactively take to prepare to safely evacuate a building in case of emergency, such as identifying neighbors who can provide assistance in an emergency. Such checklist shall be made available on the department's website and included in the emergency preparedness guides required by the fire code to be distributed to the residents of such buildings.*

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; JUMAANE WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 7, 2018.

On motion of the Speaker (Council Member Johnson), 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. 610-A

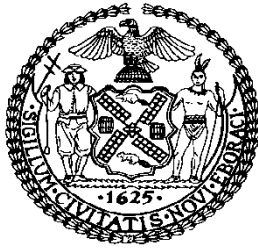
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to stove knob covers.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 15, 2018 (Minutes, page 902), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 602-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 610-A:*



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

**PROPOSED INTRO. NO: 610-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to stove knob covers

**SPONSORS:** Council Members Torres, Deutsch, Chin, Ampry-Samuel, Levine and Kallos (by request of the Bronx Borough President)

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 610-A would require owners of multiple dwelling units to provide stove knob covers on each stove in an apartment where a child six years of age or under resides. The legislation would exempt condos and cooperatives used as the primary residence of the owner and provide tenants with the option to refuse stove knobs. Failure to comply with this legislation would be a Class B hazardous violation.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the Commissioner of HPD may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before its effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While HPD may impose penalties for failing to provide stove knob covers, full compliance with the legislation is assumed.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law and non-City entities would bear the costs of providing tenants with stove knobs in accordance with the legislation.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on February 15, 2018 as Intro. No. 610 and was referred to the Committee on Housing and Buildings. A joint hearing was held by the Committee on Housing and Buildings and the Committee on Fire and Emergency Management on February 26, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 610-A, will be considered by the Committee on Housing and Buildings on May 7, 2018. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** May 3, 2018.

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

**(The following is the text of Int. No. 610-A:)**

Int. No. 610-A

By Council Members Torres, Deutsch, Chin, Ampry-Samuel, Levine and Kallos (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to stove knob covers**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2046.4 to read as follows:

§ 27-2046.4 *Stovetop protection.* a. An owner of a unit in a multiple dwelling, other than a dwelling unit in a multiple dwelling owned as a condominium or cooperative and used as the primary residence of such owner, shall provide stove knob covers for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which the owner knows or reasonably should know a child under six years of age resides, except where such owner has documented proof that there is no available stove knob cover that is compatible with the knobs on such stove. Such stove knob covers shall be made available within thirty days of such owner providing the notice required in subdivision b of this section unless such owner has previously made such stove knob covers available to the tenant and the tenant has not requested a replacement.

b. 1. Such owner shall provide an annual notice to each tenant of a unit regarding the owner's obligation to provide stove knob covers pursuant to subdivision a of this section. Such notice shall inform the tenant of his or her option to refuse stove knob covers.

2. Upon being provided with such notice, a tenant may notify such owner, in writing, that such tenant refuses stove knob covers. If the tenant does not notify the owner, in writing, that the tenant refuses stove knob covers, the owner will make the stove knob covers available to the tenant pursuant to subdivision a of this section.

3. An owner will keep a record of: (i) written notifications of refusal of stove knob covers received from a tenant of a dwelling unit, (ii) the owner's attempts to provide stove knob covers to tenants pursuant to subdivision a of this section, (iii) units for which stove knob covers were made available, and (iv) tenants who have requested stove knob covers.

c. No owner shall refuse a written request of a tenant of such dwelling unit to provide stove knob covers, regardless of whether making such covers available is required pursuant to this section.

d. Any owner who is required to provide stove knob covers pursuant to this section who fails to do so shall be liable for a class B hazardous violation, provided that it shall be an exception to a violation where (i) the owner provides documented proof that there is no available stove knob cover that is compatible with the knobs



*on such stove or (ii) the owner has already fulfilled two requests for replacement stove knob covers within the previous year.*

§ 2. This local law takes effect 180 days after it becomes law, except that the 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.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; JUMAANE WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 7, 2018.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 212-A

#### **Report of the Committee on Land Use 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 approval of cemetery uses on land acquired in Queens before 1973.**

The Committee on Land Use, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 392), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On May 2, 2018, the Committee on Land Use considered Proposed Introduction No. 212-A by Council Member Miller, a local law to amend the administrative code of the city of New York, in relation to approval of cemetery uses on land acquired in Queens before 1973. On April 17, 2018, the Subcommittee on Landmarks, Public Sitings and Maritime Uses held a hearing on the bill. On May 1, 2018, the Subcommittee voted to recommend the bill to the full Land Use Committee, with three members voting in the affirmative, zero in the negative, with zero abstentions. At the May 2<sup>nd</sup> meeting of the Land Use Committee, the Committee voted to recommend the bill to full Council by a vote of 18 in the affirmative, zero in the negative, with zero abstentions.

##### **II. BACKGROUND**

Section 1506 of the New York State Not-for-Profit Corporation Law (NPCL) provides that in Queens and Kings Counties, a cemetery corporation shall not acquire or set apart any ground for cemetery purposes without the consent of the City Council, and further provides that such consent may only be granted after a duly noticed public hearing on such application.<sup>1</sup>

The City further restricts the use of cemetery lands in Queens. Administrative Code § 25-112 provides generally that no person or corporation shall set aside any land in the borough of Queens for cemetery purposes. There are two exceptions. First, a corporation can set aside land for cemetery uses in Queens if such corporation

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<sup>1</sup> NPCL § 1506(c).

took the land by recorded deed or devise and set it aside for cemetery use prior to July 17, 1942. Second, incorporated religious societies organized prior to 1825 that own cemetery land in Queens can set aside up to ten acres of land contiguous to such cemetery for cemetery uses, provided the Council approves such use.

Pursuant to NPCL § 1506, by a letter dated October 30, 2017, Springfield L.I. Cemetery Society Inc. (SLICS), a not-for-profit corporation established in 1908 to operate Montefiore Cemetery, requested that the Council approve the use of three adjacent lots in Queens (Block 12695, Lots 101, 21, and 15) consisting of approximately two acres of land directly across the street from the cemetery, for cemetery purposes.<sup>2</sup> Montefiore Cemetery acquired these lots in 1956, 1963, and 1972.<sup>3</sup>

Because Montefiore Cemetery’s application does not fit into the exceptions provided in Administrative Code § 25-112, having acquired the lands after July 17, 1942, Council Member Miller introduced the proposed legislation to facilitate the proposed use. The proposed legislation would amend the Administrative Code to allow a cemetery in Queens to use for cemetery purposes up to two acres of land acquired prior to December 31, 1972, provided such land is across the street from such cemetery and the Council has approved such use after a public hearing noticed pursuant to the provisions of NPCL § 1506.

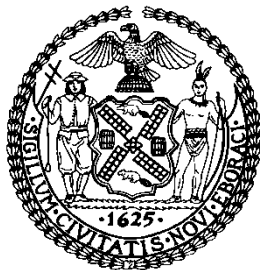
**III. ANALYSIS OF PROPOSED INT. NO. 212-A**

Bill section one would amend section 25-112 of the Administrative Code of the City of New York by adding a new subdivision c as described herein.

New subdivision c would provide that the prohibition on setting aside land for cemetery use in Queens provided for in subdivision a of Code section 25-112 shall not in any manner prevent a cemetery corporation organized under the laws of the state of New York prior to the year 1909, now owning cemetery land in Queens County, from using for cemetery purposes additional land in Queens lawfully taken by recorded deed or devise prior to December 31, 1972, provided such additional land consists of not more than two acres on one or more contiguous lots across a street and opposite said cemetery land, and its use for cemetery purposes has been approved by the City Council after a public hearing.

Subdivision c of section 25-112 would further provide that notice of such public hearing shall be published pursuant to the requirements of section 1506 of the Not-For-Profit Corporation Law, or successor provision of law, in a newspaper of general circulation. The applicant shall submit to the Council proof of publication in the form of a signed certificate of publication, with the affidavits of publication of such newspaper annexed thereto. The applicant shall pay the costs of such publication.

**(The following is the text of the Fiscal Impact Statement for Int. No. 212-A:)**



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

**PROPOSED INTRO. NO. 212-A**

**COMMITTEE: LAND USE**

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<sup>2</sup> L.U. 50 (Non-ULURP Application No. No. 20185106 CCQ).

<sup>3</sup> Deeds for the respective lots are on file with the Council Land Use Division.

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to approval of cemetery uses on land acquired in Queens before 1973  
**SPONSORS:** Council Member Miller

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 212-A would allow a cemetery corporation that owns land in Queens to use up to two additional acres acquired before 1973 for cemetery uses, provided the land is across the street and the cemetery corporation first obtains approval for such use from the Council.

**EFFECTIVE DATE:** This local law takes 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 because it imposes no new obligations on the City.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of City Legislative Affairs

**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. 212 on January 31, 2018 and referred to the Committee on Land Use. The Subcommittee on Landmarks, Public Siting and Maritime Uses considered the legislation at a hearing on April 17, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 212-A, will be considered by the Subcommittee on May 1, 2018. Upon a successful vote by the Subcommittee, Proposed Intro. No. 212-A will be considered by the Committee on Land Use for a vote on May 2, 2018. Upon a successful vote by the Committee, Proposed Intro. 212-A will be submitted to the full Council for a vote on May 9, 2018.

**DATE PREPARED:** April 30, 2018.

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

**(The following is the text of Int. No. 212-A:)**

Int. No. 212-A

By Council Member Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to approval of cemetery uses on land acquired in Queens before 1973**

*Be it enacted by the Council as follows:*

Section 1. Section 25-112 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The provisions of subdivision a of this section shall not in any manner prevent a cemetery corporation organized under the laws of the state of New York prior to the year nineteen hundred nine, now owning cemetery land in Queens county, from using additional land lawfully taken by recorded deed or devise prior to December 31, 1972, provided such additional land consists of not more than two acres on one or more contiguous lots across a street and opposite said cemetery land, and its use for cemetery purposes has been approved by the city council after a public hearing. Notice of such public hearing shall be published pursuant to the requirements of section 1506 of the not-for-profit corporation law, or successor provision of law, in a newspaper of general circulation. The applicant shall submit to the council proof of publication in the form of a signed certificate of publication, with the affidavits of publication of such newspaper annexed thereto. The applicant shall pay the costs of such publication.*

§ 2. This local law becomes effective immediately.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 51

**Report of the Committee on Land Use in favor of approving Application No. 20185106 CCQ submitted by Montefiore Cemetery pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law for approval to use real property for cemetery purposes, in relation to property located at Block 12695, Lots 15, 21, and 101, Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2018 (Minutes, page 1308) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****QUEENS CB - 12****20185106 CCQ**

Application submitted by Montefiore Cemetery pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law for approval to use real property for cemetery purposes, in relation to property located at Block 12695, Lots 15, 21, and 101.

**INTENT**

To allow the use of property for cemetery purposes including burials.

**PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

The Subcommittee recommends that the Land Use Committee approve Montefiore Cemetery's application to use real property in Queens for cemetery purposes.

**In Favor:**

Adams, Koo, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None

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

Res. No. 347

**Resolution approving the use of property located at Block 12695, Lots 15, 21, and 101, Borough of Queens, for cemetery purposes as part of Montefiore Cemetery (Application No. 20185106 CCQ; L.U. No. 51).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Springfield Long Island Cemetery Society, Inc., d/b/a Montefiore Cemetery filed with the Council on October 30, 2017 its application pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, for the use of property located at Block 12695, Lots 15, 21, and 101 in Community District 12, Borough of Queens, for use as cemetery purposes including burials (Application No. 20185106 CCQ) (the "Application");

**WHEREAS**, the Application is subject to review and action by the Council pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application on April 17, 2018; and

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

**RESOLVED:**

Pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, the Council approves, subject to the effective date of Proposed Int. 212-A, the request by Montefiore Cemetery to use for cemetery purposes, including burials, property located at Block 12695, Lots 15, 21, 101, in Community District 12, Borough of Queens, as more particularly described as follows:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being in the Borough of Queens, County of Queens, City and State of New York, bounded and described as follows:

**Block 12695, Lot 15; Block 12695, Lot 21; and Block 12695, Lot 101**

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 60

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20185176 TCQ pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Piatto LLC d/b/a/ Piatto, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1-50 50th Avenue, Borough of Queens, Community Board 2, Council District 26. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1529) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 2**

**20185176 TCQ**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Piatto LLC, d/b/a Piatto, for a new revocable consent to establish, maintain, operate and use an unenclosed sidewalk café located at 1-50 50<sup>th</sup> Avenue.

By letter dated April 30, 2018 and submitted to the City Council on May 1, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**

Moya, Constantinides, Reynoso, Richards, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 348

**Resolution approving a motion to file pursuant to withdrawal of the Application for a new revocable consent for an unenclosed sidewalk café located at 1-50 50<sup>th</sup> Avenue, Borough of Queens (Non-ULURP No. 20185176 TCQ; L.U. No. 60).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on March 26, 2018 its approval dated March 23, 2018 of the petition of Piatto, LLC, d/b/a Piatto, for a new revocable consent to establish, maintain, operate and use an unenclosed sidewalk café located at 1-50 50<sup>th</sup> Avenue, Community District 2, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

**WHEREAS**, by letter dated April 30, 2018 and submitted to the City Council on May 1, 2018, the Applicant withdrew the Application submitted to the New York City Department of Consumer Affairs for recommendation for the approval for the revocable consent.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 61

**Report of the Committee on Land Use in favor of approving Application No. C 180209 ZMQ submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 19b and 19d, establishing within an existing R3-2 District a C1-3 District bounded by a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet**



**easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard: North Conduit Avenue; a line 750 feet easterly of the first-named course; and the centerline of the Long Island Railroad right-of-way (Montauk Division), Borough of Queens, Community District 13, Council District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1529) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 13**

**C 180209 ZMQ**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department, pursuant to Section 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 19b and 19d, establishing within an existing R3-2 District a C1-3 District bounded by:

1. a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard;
2. North Conduit Avenue;
3. a line 750 feet easterly of the first-named course; and
4. the centerline of the Long Island Railroad right-of-way (Montauk Division);

as shown on a diagram (for illustrative purposes only) dated January 16, 2018.

#### **INTENT**

To approve the amendment to the Zoning Map, which in conjunction with the related action would facilitate the construction of a new 116<sup>th</sup> Police Precinct Stationhouse in the Rosedale neighborhood of southeastern Queens Community District 13.

#### **PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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

**In Favor:**

Moya, Constantinides, Reynoso, Richards, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 349

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180209 ZMQ, a Zoning Map amendment (L.U. No. 61).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 30, 2018 its decision dated March 28, 2018 (the "Decision"), on the application submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 19b and 19d, establishing within an existing R3-2 District a C1-3 District, which in conjunction with the related action would facilitate the construction of a new 116<sup>th</sup> Police Precinct Stationhouse in the Rosedale neighborhood of southeastern Queens, Community District 13, (ULURP No. C 180209 ZMQ), Community District 13, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application C 180210 PSQ (L.U. No. 62), a site selection of property for use as a police precinct stationhouse;

**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 April 17, 2018;

**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 January 12, 2018 (CEQR No. 18NYP0002Q) (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 180209 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 hereby amended by changing the Zoning Map, Section Nos. 19b and 19d, establishing within an existing R3-2 District a C1-3 District bounded by:

1. a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard;
2. North Conduit Avenue;
3. a line 750 feet easterly of the first-named course; and
4. the centerline of the Long Island Railroad right of way (Montauk Division);

as shown on the diagram (for illustrative purposes only) dated January 16, 2018, Community District 13, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 62

**Report of the Committee on Land Use in favor of approving Application No. C 180210 PSQ submitted by the New York City Police Department and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located on North Conduit Avenue, at the foot of 243rd Street (Block 13265, Lot 30) for use as a police precinct stationhouse, Borough of Queens, Community District 13, Council District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1530) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 13**

**C 180210 PSQ**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department, pursuant to Section 197-c of the New York City Charter, for the site selection of property located on North Conduit Avenue, at the foot of 243rd Street (Block 13265, Lot 30) for use as a police precinct stationhouse.

**INTENT**

This site selection, in conjunction with the related action, would facilitate the construction of a new 116<sup>th</sup> Police Precinct Stationhouse in the Rosedale neighborhood of southeastern Queens in Community District 13.

**PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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

**In Favor:**

Moya, Constantinides, Reynoso, Richards, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 350

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180210 PSQ (L.U. No. 62), for the site selection of property located on North Conduit Avenue, at the foot of 243rd Street (Block 13265, Lot 30) for use as a police precinct stationhouse in Community District 13, Borough of Queens.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 30, 2018 its decision dated March 28, 2018 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services and the New York City Police Department, for the site selection of property located on North Conduit Avenue, at the foot of 243rd Street (Block 13265, Lot 30) for use as a police precinct stationhouse (the "Site"), Community District 13, (ULURP No. C 180210 PSQ), Borough of Queens (the "Application");

**WHEREAS**, the Application is related to application C 180209 ZMQ (L.U. No. 61), a zoning map amendment to establish a C1-3 zoning district within an existing R3-2 district;

**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 April 17, 2018;

**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 January 12, 2018 (CEQR No. 18NYP0002Q) (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 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 180210 PSQ, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 63

**Report of the Committee on Land Use in favor of approving Application No. C 150253 PQQ submitted by the Administration for Children’s Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 4917 Fourth Avenue (Block 783, Lot 1) for continued use as a child care center, Borough of Brooklyn, Community District 7, Council District 38.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1530) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 7**

**C 150253 PQQ**

City Planning Commission decision approving an application submitted by the New York City Administration for Children’s Services and the New York City Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 4917 Fourth Avenue (Block 783, Lot 1) for continued use as a child care center.

To approve the acquisition of property located at 4917 Fourth Avenue to facilitate the continued use as a child care center, known as St. Andrew’s Community Day Care Center located in the Sunset Park neighborhood of Brooklyn in Community District 7, Borough of Brooklyn.

#### **PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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

**In Favor:**

Adams, Koo, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 351

**Resolution approving the decision of the City Planning Commission on ULURP No. C 150253 PQK (L.U. No. 63), for the acquisition of property located at 4917 Fourth Avenue (Block 783, Lot 1), for continued use as a child care center, Community District 7, Borough of Brooklyn.**

By Council Members Salamanca and Adams.

**WHEREAS**, the City Planning Commission filed with the Council on March 30, 2018 its decision dated March 28, 2018 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Administration for Children's Services and the New York City Department of Citywide Administrative Services for the acquisition of property located at 4917 Fourth Avenue (Block 783, Lot 1), for continued use as a child care center (the "Site"), (ULURP No. C 150253 PQK), Community District 7, Borough of Brooklyn (the "Application");

**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 April 17, 2018;

**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 determination that the application is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and requires no further review under CEQR (the "Type II Determination").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment since it was determined to be a Type II action.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the Type II determination and consideration described in the report, C 150253 PQQ, incorporated by reference herein, the Council approves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 64

**Report of the Committee on Land Use in favor of approving Application No. 20185268 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an amendment to a previously approved urban development action area project and disposition of city-owned property and pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43; Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1530) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 3**

**20185268 HAK**



Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an amendment to a previously approved urban development action area project and disposition of city-owned property and pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43.

**INTENT**

To approve the Amended Project pursuant to Article 16 of the General Municipal Law and the real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the Exemption Area.

**PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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:**

Kallos, Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
Barron

**Abstain:**  
None.

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

Res. No. 352

**Resolution approving an Amended Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for Property located at Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43 (collectively, the “Exemption Area”; Borough of Brooklyn; approving the urban development action area designation requirement and the disposition of property located at Block 1699, Lots 35, 39, and 43 (“Disposition Area”), Community District 3, Borough of Brooklyn (L.U. No. 64; 20185268 HAK).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on April 5, 2018 its request dated April 2, 2018 that the Council take the following actions regarding the following Amended Urban Development Action Area Project (the “Amended Project”) located at Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43 (“Disposition Area”), Community District 3, Borough of Brooklyn (collectively, the “Exemption Area”):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.
4. Approve the exemption of the Exemption Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law;

**WHEREAS**, the Amended Project is related to C 170304 HAK (L.U. No. 737; Resolution No. 1630 of 2017);

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on April 17, 2018; and

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

**RESOLVED:**

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

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

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

The Project shall be developed in a manner consistent with the Amended Project Summary that HPD has submitted to the Council on April 5, 2018, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
- (1) “Company” shall mean 16 Fulton Partners LLC or a limited liability company that acquires the beneficial interest in the Exemption Area with the approval of HPD.
  - (2) “Disposition Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1699, Lots 35, 39, and 43 on the Tax Map of the City of New York.
  - (3) “Effective Date” shall mean the later of (i) the date of conveyance of the Disposition Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (4) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - (5) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43 on the Tax Map of the City of New York.
  - (6) “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.
  - (7) “HDFC” shall mean FAC Fulton Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (8) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (9) “Owner” shall mean, collectively, the HDFC and the Company.
  - (10) “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.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.

- c. Notwithstanding any provision hereof to the contrary:
- (1) 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.
  - (2) 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.
  - (3) 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. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 65

**Report of the Committee on Land Use in favor of approving Application No. N 180153 HAX submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 1490 Southern Boulevard (Block 2981, Lot 14), as an Urban Development Action Area; and an Urban Development Action Area Project for such area, Borough of the Bronx, Community District 3, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1531) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 3**

**N 180153 HAX**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD),

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of properties located at 1490 Southern Boulevard (Block 2981, Lot 14), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area;

to facilitate a multi-story mixed use building containing affordable residential units and community facility space, Borough of the Bronx, Community District 3.

**INTENT**

To approve the urban development action area designation and project in order to facilitate the construction of a new 10-story residential building with 114 units of Affordable Independent Residences for Seniors, one superintendent unit and community facility space in the Bronx Community District 3.

**PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Ten

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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

**In Favor:**

Kallos, Gibson, Deutsch, King, Diaz.

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**  
None

**Abstain:**  
None.

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

Res. No. 353

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. N 180153 HAX, approving the designation of property located at 1490 Southern Boulevard (Block 2981, Lot 14) an Urban Development Action Area (the “Area”), and approving the Project for the area as an Urban Development Action Area Project, Community District 3, Borough of the Bronx (L.U. No. 65; N 180153 HAX).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the City Planning Commission filed with the Council on March 30, 2018 its decision dated March 28, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) pursuant to Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 1490 Southern Boulevard (Block 2981, Lot 14), as an Urban Development Action Area (the “Area”); and
- b) an Urban Development Action Area Project for such area (the “Project”);

to facilitate the construction of a new 10-story residential building with 114 units of affordable independent residences for low income seniors, one superintendent unit and community facility space in Community District 3, Borough of the Bronx (ULURP No. N 180153 HAX) (the "Application");

**WHEREAS**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, by letter dated April 10, 2018 and submitted to the Council on April 12, 2018, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on April 17, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD085X) issued on December 21, 2017 (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report (N 180153 HAX) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Project shall be developed in a manner consistent with Project Summary submitted by HPD, copy of which is attached hereto and made a part hereof.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 67

**Report of the Committee on Land Use in favor of approving Application No. 20185270 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1904, Lot 61 and Block 1925, Lot 36; termination of the prior exemption, and dissolution of the current owner, Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1531) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****MANHATTAN CB - 10****20185270 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1904, Lot 61 and Block 1925, Lot 36, termination of the prior exemption and consent to the voluntary dissolution of the current owner.

**INTENT**

To approve a new real property tax exemption, termination of the prior tax exemption and voluntary dissolution of current owner pursuant to Sections 577, 125 and 123(4) of the Private Housing Finance Law for an exemption area that contains two multiple dwellings, known as Paul Robeson Houses, which provide rental housing for low income families.

**PUBLIC HEARING****DATE:** April 17, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 1, 2018

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:**

Kallos, Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** May 2, 2018



The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

Res. No. 354

**Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (PHFL), the termination of a prior exemption under PHFL Section 125, and consent to the voluntary dissolution of the prior owner under PHFL Section 123(4) for property located at Block 1904, Lot 61 and Block 1925, Lot 36, Community District 10, Borough of Manhattan, (L.U. No. 67; Non-ULURP No. 20185270 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 4, 2018 its request dated April 3, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 1904, Lot 61 and Block 1925, Lot 36, Community District 10, Borough of Manhattan, (the "Exemption Area");

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

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

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

**WHEREAS**, HPD's request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on June 24, 1982 (Cal. No. 5);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on April 17, 2018; and

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

**RESOLVED:**

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

- a. For the purposes hereof, the following terms shall have the following meanings:
- (1) “Company” shall mean 1990 ACP Jr. Blvd., LLC or a limited liability company that acquires the beneficial interest in the Exemption Area with the approval of HPD.
  - (2) “Current Owner” shall mean Paul Robeson Houses Associates.
  - (3) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (4) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1904, Lot 61 and Block 1925, Lot 36 on the Tax Map of the City of New York.
  - (5) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (6) “Gross Rent” shall mean the gross potential rents from all residential 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).
  - (7) “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.
  - (8) “HDFC” shall mean Robeson Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (9) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (10) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (11) “New Owner” shall mean, collectively, the HDFC and the Company.
  - (12) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on June 24, 1982 (Cal. No. 5).
  - (13) “PHFL” shall mean the Private Housing Finance Law.
  - (14) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, 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.

- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments as follows: (a) commencing upon the Effective Date and during each year thereafter until April 30, 2033, in the sum of the Gross Rent Tax; and (b) commencing upon May 1, 2033 and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Gross Rent Tax due on April 30, 2033, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of April 30, 2033. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) 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, or (b) seventeen percent (17%) of the contract rents, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
  - d. Notwithstanding any provision hereof to the contrary:
    - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) 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 the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - (3) Nothing herein shall entitle the HDPC, the New 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.
  - e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

On motion of the Speaker (Council Member Johnson), 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. 69

**Report of the Committee on Land Use in favor of approving Application No. 20185272 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 10209, Lot 115, Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2018 (Minutes, page 1532) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 12**

**20185272 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 10209, Lot 115, Community District 12, Council District 27.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the exemption area which will contain one multiple dwelling, known as Archer Green, that will provide rental housing for low income families.

**PUBLIC HEARING**

**DATE:** April 17, 2018

**Witnesses in Favor:** Two

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 1, 2018

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:**

Kallos, Gibson, Deutsch, King, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** May 2, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

**Against:**

None

**Abstain:**

None

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

## Res. No. 355

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 10209, Lot 115, Community District 12, Borough of Queens, (L.U. No. 69; Non-ULURP No. 20185272 HAQ).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2018 its request dated April 4, 2018 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 10209, Lot 115, Community District No. 12, Borough of Queens, Council District No. 27 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on April 17, 2018; and

**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. "Beneficial Owners" shall mean, collectively, the Company and the Partnership.
  - b. "Company" shall mean Archer Green MI Associates, LLC or a limited liability company that acquires part or all of the beneficial interest in the Exemption Area with the approval of HPD.
  - c. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - d. "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.
  - e. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - f. "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 10209, Lot 115 on the Tax Map of the City of New York.
  - g. "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.

- h. “HDFC” shall mean Archer Green Apartments Housing Development Fund Corporation 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. “NYPD Parking Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to parking for the New York City Police Department.
  - k. “Owner” shall mean, collectively, the HDFC and the Beneficial Owners.
  - l. “Partnership” shall mean Archer Green Apartments, L.P. or a limited partnership that acquires part or all of the beneficial interest in the Exemption Area with the approval of HPD.
  - m. “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 and NYPD Parking 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 2, 2018.

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

### **Report of the Committee on Rules, Privileges and Elections**

Report for M-35

#### **Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of ALFRED C. CERULLO as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 11, 2018 (Minutes, page 1319) and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Rules, Privileges and Elections for M-39 printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Staten Island Borough President of Alfred C. Cerullo as a member of the New York City Planning Commission to serve for the remainder a five-year term that will expire on June 30, 2021.

This matter was be referred to the Committee on April 11, 2018.

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

Res. No. 356

#### **RESOLUTION APPROVING THE APPOINTMENT BY THE STATEN ISLAND BOROUGH PRESIDENT OF ALFRED C. CERULLO AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.**

By Council Member Koslowitz.



**RESOLVED**, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Staten Island Borough President of Alfred C. Cerullo as a member of the New York City Planning Commission to serve for the remainder of a five-year term that will expire on June 30, 2021.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, May 9, 2018. *Other Council Members Attending: Council Member Rose.*

On motion of the Speaker (Council Member Johnson), 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 M-39

#### **Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of ALLEN P. CAPPELLI as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 25, 2018 (Minutes, page 1541) and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **Topic : *New York City Planning Commission – (Candidates for appointment by the Mayor and the Staten Island Borough President upon the advice and consent of the Council)***

- **Allen P. Cappelli**, candidate for appointment by the Mayor [M-039]
- **Alfred C. Cerullo**, candidate for appointment by the Staten Island Borough President [M-035]

Pursuant to the *New York City Charter* ("Charter") §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [Charter §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [Charter §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [Charter §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [Charter §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [Charter §192(b)] There is no limitation on the number of terms a CPC member may serve. [Charter §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [Charter §192(b)] The Chair receives an annual salary of \$214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of \$65,121. The other CPC members receive an annual salary of \$54,150.

CPC is responsible for the following:

- CPC must engage in planning focused on the City's orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [Charter §192(d)];

- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [Charter §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8). [Charter §192(e)];
- Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC’s Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [Charter §192(f)]; and
- CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [Charter §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“ULURP”) applications, which includes providing specific time periods for pre-certification review. [Charter §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [Charter §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [Charter §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [Charter §374 (b)].

Allen P. Cappelli is scheduled to appear before the Committee on Rules, Privileges, and Elections on Wednesday, May 9 at 11:00am. If appointed to the CPC, Mr.Cappelli, a resident of Staten Island, will serve the remainder of five-year term, expiring on June 30, 2021. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

Alfred C. Cerullo is scheduled to appear before the Committee on Rules, Privileges, and Elections on Wednesday, May 9 at 11:00am. If appointed to the CPC, Mr.Cerullo, a resident of Staten Island, will serve the remainder of five-year term, expiring on June 30, 2021. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

#### **PROJECT STAFF**

Elizabeth Guzman, Counsel

Charles W. Davis III, Chief Compliance Officer

Andre Johnson Brown, Legislative Investigator

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Alfred C. Cerullo III [M-35], please see, respectively, the Report*

*of the Committee on Rules, Privileges and Elections for M- M-35 printed in these Minutes; for nominee Allen P. Cappelli [M-39], please see immediately below)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Allen P. Cappelli as a member of the New York City Planning Commission to serve for the remainder a five-year term that will expire on June 30, 2021.

This matter was be referred to the Committee on April 25, 2018.

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

Res. No. 357

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ALLEN P. CAPPELLI AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Allen P. Cappelli as a member of the New York City Planning Commission to serve for the remainder of a five-year term that will expire on June 30, 2021.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, May 9, 2018. *Other Council Members Attending: Council Member Rose.*

On motion of the Speaker (Council Member Johnson), 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 Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

**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>
Latasha Baker	650 Lenox Avenue #7C New York, New York 10037	9
Denise Perez	3195 Randolph Place #2 Bronx, New York 10465	13
Mary Perez	2869 Bainbridge #3G Bronx, New York 10458	15
Rolando Aviles Jr.	1254 Grant Avenue #3 Bronx, New York 10456	16
Stefanie Delgado	200-02 28th Avenue Queens, New York 11360	19
Johanny Santos	239 Lynch Street #1 Brooklyn, New York 11206	33
Dimitry Belozersky	1948 Bay Ridge Avenue #2 Brooklyn, New York 11204	47
Jackelyn A. Hernandez	1610 Avenue P #1T Brooklyn, New York 11229	48
Angela Flaherty	19 Devens Street Staten Island, New York 10314	50
Christopher Albano	97 Nahant Street Staten Island, New York 10308	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Donald Neville	1 Haven Plaza #21A New York, New York 10009	2
Martin M. Williamson	2508 Broadway #2A New York, New York 10025	6
Carlotta Frances Hayes	210 West 146th Street #4L New York, New York 10039	9
Cynthia Watkins	480 St. Nicholas Avenue #12E New York, New York 10030	9
Hope Sterling	2441 7th Avenue #1C New York, New York 10030	9
Koren D. Adams	101-125 West 147th Street #21C New York, New York 10039	9
Ramona Ramirez	246 West 116th Street #50 New York, New York 10026	9
Lizbeth Ceballos	3617 Corlear Avenue #10 Bronx, New York 10463	11
Mary Y. Scheman	3866 Laconia Avenue Bronx, New York 10469	12
Milagros Cruz-Javier	825 East 233rd Street Bronx, New York 10466	12
Sonia Espinoza	100 Casals Place #10A Bronx, New York 10475	12
Stephanie Marsh	1540 Unionport Road #3H Bronx, New York 10462	13
Carmen E. Lepin	2830 Schley Avenue #6A Bronx, New York 10465	13
Carmen S. Lopez	1950 Andrews Avenue #4-2B Bronx, New York 10453	14
Renee Reeves	750 Grand Concourse #1A Bronx, New York 10451	17

Ronda Middleton-Pendelton	1002 Garrison Avenue #5D Bronx, New York 10474	17
Albert Camacho	199 Surf Drive Bronx, New York 10473	18
Janice Balderas	45-64 168th Street Flushing, New York 11358	19
Sabrina Adele Jenkins	97-28 57th Avenue #2D Corona, New York 11368	21
Rose Birtley	141-08 Coolidge Avenue Queens, New York 11435	24
Mikaela Mihai	1-50 50th Avenue #317 Long Island City, New York 11101	26
Linda Hood	186-09 Baisley Blvd. Queens, New York 11412	27
Nancy F. Redden	120-36 218th Street Queens, New York 11411	27
Timothy James	118-68 Riverton Street St. Albans, New York 11412	27
Sandra Stewart	133-05 229th Street Queens, New York 11413	31
Salvatore Galasso	242 Beach 130th Street Belle Harbor, New York 11694	33
Ruben A. Baez	122 McGuinness Blvd #3R Brooklyn, New York 11222	34
Myrta R. Colon	31 Leonard Street #90 Brooklyn, New York 11206	34
Rosa G. Felipe	199 Meserole Street #3RR Brooklyn, New York 11206	35
Lloyd Noel	239 New York Avenue #2R Brooklyn, New York 11216	35
Yves Vilus	345 Lincoln Place #1 D Brooklyn, New York 11238	35

Richard Monroe	1219 Dean Street Brooklyn, New York 11216	40
Darryl W. Hollon	1818 Newkirk Avenue #2K Brooklyn, New York 11226	36
Herminia Eludia Brown	145 Erasmus Street Brooklyn, New York 11226	40
Wilvina Canal	1745 Caton Avenue #4F Brooklyn, New York 11226	40
Donald Batchelor	1969 Bergeb Street #4B Brooklyn, New York 11233	41
Edeline Dubuche	210 East 51st Street #37 Brooklyn, New York 11203	41
Ernest Vasquez	596 Pine Street #2 Brooklyn, New York 11208	42
Gwendolyn Hernandez	744 Pennsylvania Avenue #136 Brooklyn, New York 11207	42
Katherine Baiardi	953 71st Street Brooklyn, New York 11228	43
Yakov King	1232 East 31st Street Brooklyn, New York 11210	45
Adam J. D'Amico	1615 East 38th Street Brooklyn, New York 11234	46
Joanne Collins	1343 East 57th Street Brooklyn, New York 11234	46
Martha Berkowitz	2286 Brigham Street #5E Brooklyn, New York 11229	46
Shirell Davis	1357 East 104th Street Brooklyn, New York 11236	46
Inessa Segal	2909 Ocean Avenue #2D Brooklyn, New York 11235	48
Sofiya Lumelski	1580 East 18th Street #5F Brooklyn, New York 11230	48



Michael Arvanites	966 Clove Road #H1 Staten Island, New York 10301	49
Caroline Scarimbolo	43A McDivitt Avenue Staten Island, New York 10314	50
Debra Vadola	959 Nugent Avenue Staten Island, New York 10306	50
Edmund Golat, Jr.	93 Sawyer Avenue Staten Island, New York 10314	50
Patricia A. Ledoux	75B Freedom Avenue Staten Island, New York 10314	50
Phillip Jackier	37 Uxbridge Street Staten Island, New York 10314	50
Roberta Lipner	1160 Richmond Road #6E Staten Island, New York 10304	50
Rosalyn Palladino	109 Arthur Avenue Staten Island, New York 10305	50
Thomas Mazzella	559 Britton Avenue Staten Island, New York 10304	50
John Buday	11 Windham Loop #111 Staten Island, New York 10314	51

On motion of the Speaker (Council Member Johnson), 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-35 & Res 356 -** Appointment of **Alfred C. Cerullo III** to New York City Planning Commission.
- (2) **M-39 & Res 357 -** Appointment of **Allen P. Cappelli** to New York City Planning Commission.
- (3) **Int 212-A** Approval of cemetery uses on land acquired in Queens before 1973.
- (4) **Int 599-A -** Requiring the fire department to conduct outreach and education to residential buildings
- (5) **Int 602-A -** Self-closing doors.
- (6) **Int 603-A -** Requiring the fire department to meet certain standards for fire hydrant inspections and report on fire hydrant inspection results.
- (7) **Int 604-A** Requirements for smoke alarms and smoke detectors in residential and non-residential occupancies.
- (8) **Int 606-A** Emergency evacuation preparedness for individuals with disabilities or limited mobility.
- (9) **Int 608-A -** Requiring notice to close doors when escaping a fire.
- (10) **Int 609-A -** Requiring the fire department to implement a plan for educating both children and parents about fire safety and prevention.
- (11) **Int 610-A -** Stove knob covers.
- (12) **Res 333 -** Designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (13) **L.U. 51 & Res 347 -** App No. **20185106 CCQ** submitted by Montefiore Cemetery.

- (14) **L.U. 60 & Res 348 -** Application No. **20185176 TCQ** for a revocable consent to establish, maintain and operate an unenclosed sidewalk café (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (15) **L.U. 61 & Res 349 -** App No. **C 180209 ZMQ** submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department.
- (16) **L.U. 62 & Res 350 -** App No. **C 180210 PSQ** submitted by the New York City Police Department and the New York City Department of Citywide Administrative Services, for use as a police precinct stationhouse.
- (17) **L.U. 63 & Res 351 -** App No. **C 150253 PQQ** submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, for the acquisition of property.
- (18) **L.U. 64 & Res 352 -** App No. **20185268 HAK** submitted by the New York City Department of Housing Preservation.
- (19) **L.U. 65 & Res 353 -** App No. **N 180153 HAX** submitted by the New York City Department of Housing Preservation and Development.
- (20) **L.U. 67 & Res 354 -** App No. **20185270 HAM** submitted by the New York City Department of Housing Preservation and Development for approval of a new real property tax exemption.
- (21) **L.U. 69 & Res 355 -** App No. **20185272 HAQ** submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption.
- (22) **L.U. 74 & Res 342 -** 153 Manhattan Avenue, Block 1843, Lots 14, 15, and 16.
- (23) **L.U. 75 & Res 343 -** 1025-1027 Leggett Avenue, Block 2720, Lot 41.

- (24) **L.U. 76 & Res 344 -** Livonia Regina, Block 6927, Lot 60.
- (25) **L.U. 77 & Res 345 -** Mosholu Grand, Block 3313, Lots 17 and 18.
- (26) **L.U. 78 & Res 346 -** Grower-Green, Block 2412, Lots 25, 27, 30, and 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16, and 35, Block 2437, Lot 3.
- (27) **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** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **L.U. No. 64 & Res. No. 307**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **46**.

**Negative** – Barron and Perkins – **2**.

**Abstention** – Williams – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 212-A, 599-A, 602-A, 603-A, 604-A, 606-A, 608-A, 609-A, and 610-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. 307

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize Same-Day Voter Registration in New York, allowing eligible New York City residents to register to vote and cast a ballot at the poll-site on Election Day.**

The Committee on Governmental Operations, to which the annexed resolution was referred on April 25, 2018 (Minutes, page 1609), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Governmental Operations for Res. No. 324 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 307:)**

Res. No. 307

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize Same-Day Voter Registration in New York, allowing eligible New York City residents to register to vote and cast a ballot at the poll-site on Election Day.**

By Council Members Cabrera, Ayala, Ampry-Samuel and Kallos.

**Whereas**, All eligible New Yorkers deserve a reasonable opportunity to exercise their fundamental voting rights; and

**Whereas**, New York State consistently has one of the lowest voter turnout rates, ranking 41<sup>st</sup> among states in the 2016 General Election, according to the United States Elections Project; and

**Whereas**, Potential voters often find it challenging to register, due to confusing rules and/or lack of time, resulting in nearly 25% of eligible voters not being registered, according to the public policy group Demos; and

**Whereas**, Under the current process, the voter registration must be completed several weeks before an election, causing many hopeful registrants to not be eligible to vote in the election that they were interested in taking part; and

**Whereas**, New York State has closed primary elections that require voters to register with a political party in order to participate in their party's primary; and

**Whereas**, New York currently has the earliest party enrollment change deadline in the United States: it is a full year and 25 days prior to the current year's General Election; and

**Whereas**, As a result, while the General Election voter turnout is regularly low (62% in 2016), the 2016 Congressional and State Primary Elections saw an abysmal 8% voter turn-out; and

**Whereas**, Steps can be taken to modernize the voter registration process, which will increase the number of potential voters and the chance of higher voter turnout; and

**Whereas**, Same-day voter registration would allow eligible New Yorkers to register to vote and cast a ballot on Election Day, extending the right to vote to those who have only recently become interested; and

**Whereas**, There are currently 15 states and the District of Columbia in the United States that have implemented same-day voter registration; and

**Whereas**, Public policy group Demos analyzed voter turn-out data from 1980 to 2012 and found that turn-out rates were 10% higher in states with same-day voter registration;<sup>1</sup> and

**Whereas**, Using 2012 presidential election data, Demos found that four of the top five states for voter turnout had implemented same-day registration; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize Same-Day Voter Registration in New York, allowing eligible New York City residents to register to vote and cast a ballot at the poll-site on Election Day.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, May 3, 2018.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item:  
Council Members Borelli, Holden, and Matteo voted in the negative.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 311

**Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon New York City to extend paid family leave benefits to city employees covered by municipal unions.**

The Committee on Civil Service and Labor, to which the annexed resolution was referred on April 25, 2018 (Minutes, page 1626), respectfully

**REPORTS:**

**INTRODUCTION**

On Tuesday, May 8, 2018, the Committee on Civil Service and Labor, chaired by Council Member Adrienne Adams, voted on Resolution No. 311, introduced by Council Member Cumbo, and Resolution No. 312, introduced by Council Member Treyger. A hearing was previously held on these resolutions on Monday, April 30, 2018, with the Committee on Education on the oversight topic entitled “Paid Parental Leave for New York City Municipal Employees,” with the Committee on Education. Resolution No. 311 calls upon New York City to extend paid family leave benefits to city employees covered by municipal unions. Resolution No. 312 calls upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the state Paid Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee’s average weekly wage. On May 8, 2018, the Committee passed Resolution No. 311 and Resolution No. 312 by a vote of four in the affirmative, zero in the negative, with zero abstentions.

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<sup>1</sup> <http://www.demos.org/publication/what-same-day-registration-where-it-available>

**RESOLUTION NO. 311**

Resolution No. 311 would note that on January 7, 2016, New York City Mayor Bill de Blasio signed a personnel order to provide paid parental leave to New York City employees who hold non-union or managerial titles. The resolution would state that the order provides six weeks of paid leave at 100 percent of salary, and will benefit up to 20,000 employees. The resolution would assert that Mayor de Blasio's order has been praised as a major step in bringing New York City in line with other jurisdictions in the United States and abroad.

The resolution would indicate that the Mayor's order does not include New York City employees covered by a municipal union. The resolution would note that each year, many of these New York City workers need time away from work to address major health and family obligations, including serious personal illness, seriously ill family members or the arrival of a child. The resolution would state that currently, the federal Family and Medical Leave Act (FMLA) of 1993 provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child. The resolution would also indicate that for those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating.

The resolution would note that most workers must rely on their employers for any paid leave. The resolution would state that a 2011 study by the Center for Economic and Policy Research reported that five years after California implemented a paid family leave program, nearly 89 percent of employers reported that the program had either a "positive effect" or "no noticeable effect" on productivity, roughly 91 percent reported a "positive effect" or "no noticeable effect" on profitability or performance, and more than 95 percent reported either a "positive effect" or "no noticeable effect" on employee turnover and morale. The resolution would assert that in that study, businesses with fewer than 100 employees were especially likely to report that paid family leave had not negatively impacted productivity, profitability or performance, or morale.

Finally, Resolution No. 311 would state that the Council of the City of New York calls upon New York City to extend paid family leave benefits to city employees covered by municipal unions.

**RESOLUTION NO. 312**

Resolution No. 312 would note that on April 4, 2016, Governor Andrew M. Cuomo signed into law the Paid Family Leave Act. The resolution would state that each year, many New York City workers need time away from work to address major health and family obligations, including a serious personal illness, seriously ill family members or the arrival of a child. The resolution would indicate that currently, the federal Family and Medical Leave Act (FMLA) of 1993 provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child.

The resolution would indicate that for those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating. In addition, the resolution would assert that while New York State's Paid Family Leave Act is a step in the right direction by providing a paid benefit to New York's workers, it does not go far enough. The resolution would state that the cost of living in New York City is significantly higher than the rest of the state. The resolution would note that workers in New York City will still find it an undue financial hardship to take advantage of New York State's Paid Family Leave Act as currently enacted. The resolution would note that on January 7, 2016, New York City Mayor Bill de Blasio signed a personnel order to provide paid parental leave to New York City employees who hold non-union or managerial titles at 100 percent of salary. The resolution would state that the Mayor's order has been praised as a major step in bringing New York City in line with other jurisdictions in the United States and abroad.

Finally, Resolution No. 312 would assert that the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the state Paid Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee's average weekly wage.

### Update

On May 8, 2018, the Committee passed Resolution No. 311 and Resolution No. 312 by a vote of four in the affirmative, zero in the negative, with zero abstentions.

*Accordingly, this Committee recommends its adoption.*

### **(The following is the text of Res. No. 311:)**

#### Res. No. 311

### **Resolution calling upon New York City to extend paid family leave benefits to city employees covered by municipal unions.**

By Council Members Cumbo, Treyger, Powers, Levin, Ayala, Rosenthal, Koslowitz, Kallos, Constantinides and Chin.

**Whereas**, On January 7, 2016, New York City Mayor Bill de Blasio signed a personnel order to provide paid parental leave to New York City employees who hold non-union or managerial titles; and

**Whereas**, The order provides six weeks of paid leave at 100 percent of salary, and will benefit up to 20,000 employees; and

**Whereas**, Mayor de Blasio's order has been praised as a major step in bringing New York City in line with other jurisdictions in the United States and abroad; and

**Whereas**, The Mayor's order does not include New York City employees covered by a municipal union; and

**Whereas**, Each year, many of these New York City workers need time away from work to address major health and family obligations, including serious personal illness, seriously ill family members or the arrival of a child; and

**Whereas**, Currently, the federal Family and Medical Leave Act (FMLA) of 1993 provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child; and

**Whereas**, For those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating; and

**Whereas**, Most workers must rely on their employers for any paid leave; and

**Whereas**, A 2011 study by the Center for Economic and Policy Research reported that five years after California implemented a paid family leave program, nearly 89 percent of employers reported that the program had either a "positive effect" or "no noticeable effect" on productivity, roughly 91 percent reported a "positive effect" or "no noticeable effect" on profitability or performance, and more than 95 percent reported either a "positive effect" or "no noticeable effect" on employee turnover and morale; and

**Whereas**, In that study, businesses with fewer than 100 employees were especially likely to report that paid family leave had not negatively impacted productivity, profitability or performance, or morale; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York City to extend paid family leave benefits to city employees covered by municipal unions.



ADRIENNE E. ADAMS, *Acting Chairperson*; DANIEL DROMM; ANDY L. KING; ALAN. N. MAISEL, Committee on Civil Service and Labor, May 8, 2018. *Other Council Members Attending: Council Member Treyger.*

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 this item: Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 312

**Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the state Paid Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee's average weekly wage.**

The Committee on Civil Service and Labor, to which the annexed resolution was referred on April 25, 2018 (Minutes, page 1644), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Civil Service and Labor for Res. No. No. 311 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 312:)**

Res. No. 312

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the state Paid Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee's average weekly wage.**

By Council Members Treyger, Ayala, Rosenthal, Koslowitz, Kallos and Constantinides.

Whereas, on April 4, 2016, Governor Andrew M. Cuomo signed into law the Paid Family Leave Act; and  
**Whereas**, Each year, many New York City workers need time away from work to address major health and family obligations, including a serious personal illness, seriously ill family members or the arrival of a child; and  
**Whereas**, Currently, the federal Family and Medical Leave Act (FMLA) of 1993 provides up to 12 weeks of unpaid leave for workers whose families are dealing with certain major health or life events, such as a serious medical condition or the arrival of a child; and

**Whereas**, For those who take FMLA leave, the financial consequences of losing one's income for weeks or months in order to care for a family member can be devastating; and

**Whereas,** While New York State’s Paid Family Leave Act is a step in the right direction by providing a paid benefit to New York’s workers, it does not go far enough; and

**Whereas,** The cost of living in New York City is significantly higher than the rest of the state; and

**Whereas,** Workers in New York City will still find it an undue financial hardship to take advantage of New York State’s Paid Family Leave Act as currently enacted; and

**Whereas,** On January 7, 2016, New York City Mayor Bill de Blasio signed a personnel order to provide paid parental leave to New York City employees who hold non-union or managerial titles at 100 percent of salary; and

**Whereas,** The Mayor’s order has been praised as a major step in bringing New York City in line with other jurisdictions in the United States and abroad; 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 to amend the state Paid Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee’s average weekly wage.

ADRIENNE E. ADAMS, *Acting Chairperson*; DANIEL DROMM; ANDY L. KING, ALAN. N. MAISEL, Committee on Civil Service and Labor, May 8, 2018. *Other Council Members Attending: Council Member Treyger.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item: Council Members Borelli, Ulrich, and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 324

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.5382A, the “Voter Enfranchisement Modernization Act of 2018,” an act that establishes an electronic personal voter registration process and provides for online voter registration.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

## **REPORTS:**

### **I. INTRODUCTION**

On May 3, 2018, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a hearing and a vote on Preconsidered Res. No. 324 (Speaker Johnson), which calls upon the New York State Legislature to pass, and the Governor to sign, A.5382A, the “Voter Enfranchisement Modernization Act of 2018,” an act that establishes an electronic personal voter registration process and provides

for online voter registration, Res. No. 307-2018 (Cabrera), which calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize Same-Day Voter Registration in New York, allowing eligible New York City residents to register to vote and cast a ballot at the poll-site on Election Day, Preconsidered Res. No. 330 (Cabrera), which calls upon the New York State legislature to pass, and the Governor to sign, A.9758A/S.7149, in relation to the political expenditures of limited liability companies, Preconsidered Res. No. 329 (Cabrera), which calls upon the New York State legislature to pass, and the Governor to sign, A.7404, in relation to requiring a new party to file a certificate following the election at which the party obtains party status, Preconsidered Res. No. 336 (Kallos), which calls upon the New York State Legislature to pass, and the Governor to sign, A.7623/S.840 and A9608B, in relation to authorizing ballot by mail, no excuse absentee ballot voting and early voting, and Preconsidered Res. No. 338 (Powers), which calls upon the New York State legislature to pass, and the Governor to sign, A.9923, in relation to improving the format of ballot proposals to minimize confusion. The committee expects to receive testimony from advocate members of the public related to the above topics.

## II. BACKGROUND

New York State consistently has one of the lowest voter turnout rates, ranking 41<sup>st</sup> among states in the 2016 General Election.<sup>1</sup> In spite of an ever decreasing pool of unregistered voters, as Get Out of the Vote initiatives successfully register new voters, New York City's Voter Assistance Advisory Commission reports that voter turnout among new registrants was lower in 2017 than for returning voters.<sup>2</sup> The many contributing factors to the low voter turnout rate necessitate a full modernization of the election process in the State of New York, from voter registration to Election Day procedure. The Committee will hear and vote on a collection of six Resolutions that touch on voter registration, voting procedure, new party filing deadlines, ballot format and campaign finance.

### *Online Voter Registration*

In New York State, the public can register to vote, or update their information, online by using the NYS Department of Motor Vehicles' ('DMV') Electronic Voter Registration Application.<sup>3</sup> To register, applicants must have a New York State DMV issued driver license, permit or Non-Driver ID, as well as be able to provide the zip code currently on file with the DMV and the last four digits of their Social Security Number.<sup>4</sup> Once completed, the application is transferred from the DMV to the local Board of Elections ('BOE'), since as their website states "[t]he DMV does not approve or deny voter registration applications. We only send the application to the County or City Board of Elections for their review."<sup>5</sup> Their role is merely that of an electronic intermediary.

The Governor has stated that since its 2012 launch, the website has processed more than 600,000 applications but the demand for this service is such that the website has developed a reputation for crashing right before a registration deadline.<sup>6</sup> In March of 2016, WNYC obtained documents under a Freedom of Information Law Request showing that the DMV's Director of Agency Program Services alerted the State BOE staff by email of overwhelming traffic to the site. A Facebook promotion that linked to the site caused a bottleneck that delayed the DMV for several days from sending out applications already received.<sup>7</sup> The site went down again a few hours before the deadline, after which the public was told to download a registration form, fill it out, save

<sup>1</sup> United States Election Project, *2016 November General Election Turnout Rates*, Last Accessed on April 30, 2018 at <http://www.electproject.org/2016g>

<sup>2</sup> NYC Votes, *Voter Assistance Annual Report 2017-2018*, Last accessed on 5/1/2018 at <https://www.nycvotefb.info/pdf/VAAC-2018.pdf>

<sup>3</sup> Department of Motor Vehicles of New York, Electronic Voter Registration Application. Last accessed on 4/30/2018 at <https://dmv.ny.gov/org/more-info/electronic-voter-registration-application>

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Bergin, Brigid, 'DMV Jammed Up By Voter Registration Traffic,' *WNYC News*, Oct 14, 2016, available at: <http://www.wnyc.org/story/dmv-jammed-voter-registration-traffic/>

<sup>7</sup> Id.

it, email it to the DMV and include a statement of affirmation in the body of the message.<sup>8</sup> Although the DMV explained that one of the difficulties in 2016 had been that the only way to fill out an online application was if the applicant also had a MyDMV account, which is no longer required, it also may demonstrate the difficulties of a single system serving such a populous state.

Many election officials and advocates have embraced online voter registration. The bipartisan Presidential Commission on Election Administration, in its 2014 report, listed expanding online registration as its top recommendation for localities.<sup>9</sup> Twenty-three states, including New York, now offer online registration to applicants with an existing signature in the state's DMV database.<sup>10</sup> Several of these states have gone further and offer online registration to applicants without a state-issued identification card, including Minnesota, Delaware, and Missouri.<sup>11</sup> After 2016, a full 17.4% of voter registrations were accomplished online nationally.<sup>12</sup>

In 2017, the City Council passed, and the Mayor signed into law, Local Law 238, in relation to online facilitation of voter registration, to create a web portal for local online voter registration, that would facilitate the registration of any eligible resident of the City. However, this portal is specific to New York City residents, and does not cover the entire state, making it less responsive to the mobility of New Yorkers who may move in and out of the city multiple times in a lifetime.

### *Same-Day Voter Registration*

Potential voters often find it challenging to register, due to confusing rules and/or lack of time, resulting in nearly 25% of eligible voters not being registered, according to the public policy group Demos. An estimated two million eligible New Yorkers remain unregistered to vote according to Census data and BOE's records. Get Out the Vote efforts across New York City in 2017 led to a decrease in unregistered voters from 14.3% of city residents to 13.4%.<sup>13</sup> Under the current process, the voter registration must be completed several weeks before an election, causing many hopeful registrants to not be eligible to vote in the election for which they were interested in participating. New York's change of party registration deadlines are even more cumbersome, requiring voters to change their party registration one year and 25 days prior to the current year's General Election. This is the earliest party enrollment change deadline in the nation.

There are currently 15 states and the District of Columbia in the United States that have implemented same-day voter registration. Demos analyzed voter turnout data from 1980 to 2012 and found that turn-out rates were 10% higher in states with same-day voter registration.<sup>14</sup> Using 2012 presidential election data, Demos additionally found that four of the top five states for voter turnout had implemented same-day registration.<sup>15</sup> By implementing 'same-day' voter registration, New York could see a higher voter turnout rate, as it would allow eligible New Yorkers to register to vote and cast a ballot on Election Day, extending the right to vote to those who have only recently become interested.<sup>16</sup>

### *New Party Filing Deadline*

After each New York State gubernatorial election, the state BOE is required to publish a new voter registration form, which must include the parties included on the ballot for the next four years. Under current

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

<sup>9</sup> Presidential Commission on Election Administration, "The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration," January 2014.

<sup>10</sup> National Conference of State Legislatures, "Online Voter Registration," September 3, 2015, available at <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>.

<sup>11</sup> Brennan Justice Center, *Voter Registration Modernization*. Last accessed on 4/30/2018 at <https://www.brennancenter.org/voter-registration-modernization>

<sup>12</sup> NYC Votes, *Voter Assistance Annual Report 2017-2018*, Last accessed on 5/1/2018 at <https://www.nycctfb.info/pdf/VAAC-2018.pdf>

<sup>13</sup> NYC Votes, *Voter Assistance Annual Report 2017-2018*, Last accessed on 5/1/2018 at <https://www.nycctfb.info/pdf/VAAC-2018.pdf>

<sup>14</sup> Demos, *What is same day registration? Where is it available?* Last accessed on 4/30/2018 at <http://www.demos.org/publication/what-same-day-registration-where-it-available>

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

law, there is no deadline provided for the filing of a new party's name and emblem, which regularly leads to delays in the creation, printing and distribution of new voter registration forms. Setting a deadline for the filing of new parties would decrease the administrative burden of distributing voter registration forms, and extend the ability for New Yorkers to register with the party of their choice sooner and more efficiently.

### *Absentee Voting*

A 2010 United States Census Bureau survey found that the most common reason cited by non-voters for not voting is a category defined as "No time off/too busy." One way to remedy this problem is instating "no-excuse absentee voting." In order to qualify to vote by absentee ballot in New York State, a registered voter must be either:

- Absent from the city (for residents of New York City) on Election Day,
- Unable to appear at the polls due to temporary or permanent illness or disability,
- A primary care giver of one or more individuals who are ill or physically disabled,
- A patient or inmate in a Veterans' Administration Hospital,
- Detained in jail awaiting Grand Jury action or
- Confined in prison after conviction for an offense other than a felony.<sup>17</sup>

Applications to vote by absentee ballot may be obtained in person at the local offices of the BOE at least 32 days prior to an election, a pdf form may be downloaded and mailed to the local BOE or a letter requesting an absentee ballot may be sent within a certain period of time.<sup>18</sup> This is to be distinguished from an early voting system as absentee ballots may only be obtained or used under the above circumstances.

Even so, there have been complications for voters seeking to receive absentee ballots. One registered voter attempted to vote by absentee ballot by appearing in person at the Brooklyn office of the NYC Board of Elections, within the 32 days before the upcoming general election during which the absentee ballots should be available, but was told that the actual ballots were not yet ready. The ballots for voters appearing in person are being prepared on-demand, so as not to print more than needed, but according to the news report not all of the staff was familiar with the on-demand system and the voter in the article was forced to leave and return another day because of the delay.<sup>19</sup> The Executive Director of the NYC Board of Elections was quoted as saying that the staffs in the borough offices have been reminded about the on-demand system.<sup>20</sup>

Twenty-seven states and the District of Columbia currently allow any voter to vote via absentee ballot without offering an excuse, and three states have all-mail voting where ballots are automatically sent to every eligible voter, according to the National Conference of State Legislatures. In New York State, not only does a voter need a qualifying reason to vote by absentee ballot, but falsely citing one of the qualifying reasons is a felony. Authorizing no excuse absentee voting in New York State would remove barriers to accessing absentee ballots and have a positive impact on voter turnout rates.

### *Early Voting*

Another means of ensuring that voters cast ballots, despite having no time off, is to implement a system of early voting in New York State. In fact, all but 13 states, including New York, offer early voting, and 33% of voters nationwide cast their ballot before Election Day in the 2016 General Election. Allowing voters more than a single day to vote would further accommodate those who are physically unable to vote on Election Day and reduce conflicts between voting and job, family, or care-giving responsibilities. Additionally, early voting better distributes the systemic pressure placed on election administration by reducing the effects of high-impact voting disruptions such as severe weather events, broken machines, impaired poll site access, and common voter

<sup>17</sup> Absentee Voting, NYS Board of Elections, <https://www.elections.ny.gov/VotingAbsentee.html>

<sup>18</sup> Id. and Absentee Voting, NYC Board of Elections, <http://vote.nyc.ny.us/html/voters/absentee.shtml>

<sup>19</sup> Bergin, Brigid, 'Absentee Voting Off to Bumpy Start in New York City,' *WNYC News*, October 11, 2016, available at: <http://www.wnyc.org/story/absentee-voting-bumpy-start-new-york-city/>

<sup>20</sup> Id.

suppression tactics.

### *Ballot Format*

The current format and typical length of New York election ballots require the ballot questions to regularly appear on the opposite side of the ballot from where the candidate names appear. Two-sided ballots have led to a drop-off in votes on ballot questions when compared to the number of votes for candidates: in the 2017 General Election, there was a 10.7% drop-off<sup>21</sup> in votes cast for the first ballot question as compared to the number of votes cast for the Mayor line. With more visual guidance, voters can be directed to turn the ballot over and instructed to complete the ballot questions on the second page.

### *Campaign Finance and Limited Liability Companies*

Under New York State law, corporations have an annual cap of \$5,000 on their expenditures made for political purposes. However, the New York State Election Law section governing political activity by corporations does not explicitly name Limited Liability Companies ('LLC'). As a result, the New York State BOE issued an advisory opinion in 1996 that designated LLCs as individuals, and thus subjected LLCs to the campaign contribution limits and disclosure requirements for individuals. The BOE's opinion relied on a since repealed federal law, and is currently contrary to the Federal Election Commissions' 1999 rule which treats LLCs as corporations or partnerships for the purposes of campaign contributions. Under the current BOE guidance, individuals or entities repeatedly use separate LLCs to make multiple political donations up to \$150,000 per LLC in statewide elections, adding up to millions of dollars in combined donations tied back to one individual or entity. New York Public Interest Research Group found in 2013 that LLC contributions accounted for 14% of all money raised by statewide candidates and parties, more than three times the amount contributed by donors who gave \$1,000 or less. This allows individuals and entities to make virtually unlimited political expenditures in the state of New York, hindering electoral competition and directly affecting the political representation of New York City residents at the state level.

## **III. LEGISLATIVE ANALYSIS**

### **Preconsidered Res. No. 324**

Preconsidered Res. No. 324 (The Speaker) calls upon the New York State Legislature to pass, and the Governor to sign, A.5382A, the "Voter Enfranchisement Modernization Act of 2018," an act that establishes an electronic personal voter registration process and provides for online voter registration. This proposed legislation would create a robust electronic means of registering to vote, and minimize barriers to updating personal information.

### **Res. No. 307-2018**

Res. 307-2018 (Cabrera) calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize Same-Day Voter Registration in New York, allowing eligible New York City residents to register to vote and cast a ballot at the poll-site on Election Day. This proposed legislation would remove barriers to voting on Election day by allowing all eligible voters to register and cast a ballot on election day, regardless of registration deadlines.

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<sup>21</sup> NYC Votes, *Voter Assistance Annual Report 2017-2018*, Last accessed on 5/1/2018 at <https://www.nycvotefb.info/pdf/VAAC-2018.pdf>

**Preconsidered Res. No. 330 (Cabrera)**

Preconsidered Res. No. 330 (Cabrera) calls upon the New York State legislature to pass, and the Governor to sign, A.9758A/S.7149, in relation to the political expenditures of limited liability companies. Under the proposed legislation, LLCs would be restricted to the same \$5,000 aggregate contribution limit as corporations, and all LLCs that make an expenditure for political purposes would need to disclose the identity of all direct and indirect LLC owners, with the percentage of ownership. The bill would also require LLCs to attribute any contributions made by the LLC to its owners, in proportion to their ownership interest.

**Preconsidered Res. No. 329 (Cabrera)**

Preconsidered Res. No. 329 (Cabrera) calls upon the New York State Legislature to pass, and the Governor to sign, A.7404, in relation to requiring a new party to file a certificate following the election at which the party obtains party status. This proposed legislation would set the new party deadline to the last day in February after a gubernatorial election, and require that late applications take effect in the last day of January after the next gubernatorial election. Setting a deadline for new party filings would improve the access timeline of new voter registration forms, allowing more people to register to vote sooner.

**Preconsidered Res. No. 336 (Kallos)**

Preconsidered Res. No. 336 (Kallos) calls upon the New York State Legislature to pass, and the Governor to sign, A.7623/S.840 in relation to authorizing ballot by mail and no excuse absentee ballot voting, and A9608B, in relation to authorizing early voting. The proposed legislation would have a positive impact on voter turnout in the city of New York by providing two voting solutions for eligible voters who are unable to vote on the date of the election for reasons beyond the admissible reasons granted under current election law.

**Preconsidered Res. No. 338 (Powers)**

Preconsidered Res. No. 338 (Powers) calls upon the New York State legislature to pass, and the Governor to sign, A.9923, in relation to improving the format of ballot proposals to minimize confusion. The proposed legislation would require the BOE to provide clear directions that a ballot is two-sided, on ballots where ballot questions appear. This would have a positive impact on the drop off rates of voter responses to ballot questions as compared to votes cast for candidates.

**(For more related text, please see, respectively, the brief Reports of the Committee on Governmental Operations for Res. Nos. 307, 329, 330, 336, and 338 printed in this Resolutions Calendar section of the Minutes)**

*Accordingly, this Committee recommends the adoption of Res. Nos. 324, 307, 329, 330, 336, and 338.*

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

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, May 3, 2018.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item:  
Council Members Borelli, Holden and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 325

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling on New York State Legislature to pass, and the Governor to sign, S.3179/A.5557, which would repeal the “Urstadt law” and allow New York City to regulate residential rents.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 this item:  
Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 326

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6527/A.6285, which limits rent increases on renewal of rent stabilized units where a preferential rent was being charged.**



The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item:  
Council Members Borelli, Gjonaj and Matteo voted in the negative.

The following Council Member formally abstained on this item:  
Council Member Yeger.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 327

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation extending the statute of limitations for rent overcharges.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 this item:  
Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 328

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign S.4312, legislation amending the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974 and the Emergency Housing Rent Control Law, in relation to making the Major Capital Improvement (MCI) rent increase a temporary surcharge.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item:  
Council Members Borelli, Gjonaj and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 329

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.7404 in relation to requiring a new party to file a certificate following the election at which the party obtains party status.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Res. No. 324 printed in these Minutes)**

*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)**

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, May 3, 2018.

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 this item: Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 330

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.9758A/S.7149, in relation to the political expenditures of limited liability companies.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Res. No. 324 printed in these Minutes)**

*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)**

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, May 3, 2018.

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 this item:  
Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for Res. No. 331

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.3482/A.433, in relation to repealing vacancy decontrol.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### **REPORTS:**

##### **Introduction**

On May 2, 2018, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing and vote on various Preconsidered Resolutions. The Committee expects to receive testimony from tenant advocates and members of the real estate industry.

**Preconsidered Res. No. 331- , Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.3482/A.433, in relation to repealing vacancy decontrol**

Under current State law, upon vacancy, landlords can remove units from rent regulation when rents rise over the deregulation threshold. The New York City Rent Guidelines Board stated that about 152,147 rent stabilized and rent control units have been deregulated due to vacancy decontrol since 1994. The resolution would state that the City Council supports State legislation that would repeal vacancy decontrol and retroactively apply to certain deregulated apartments.

**Preconsidered Res. No. 326-, Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6527/A.6285, which limits rent increases on renewal of rent stabilized units where a preferential rent was being charged**

A preferential rent is a rent that a landlord agrees to charge that is less than the legal regulated rent that the landlord could lawfully collect. This State legislation would close a loophole in the rent laws that allows landlords to impose the statutory rent upon either vacancy or lease renewal, resulting in preferential rent tenants facing unexpected rent increases. This legislation would allow for an increase only upon vacancy when the vacancy was not caused by the landlord failing to comply with the warranty of habitability. The resolution would state that the City Council supports State legislation to limit rent increases on renewal of rent stabilized units where a preferential rent was being charged.

**Preconsidered Res. No. 328-, Resolution calling upon the New York State Legislature to pass and the Governor to sign S.4312, legislation amending the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974 and the Emergency Housing Rent Control Law, in relation to making the Major Capital Improvement (MCI) rent increase a temporary surcharge**

Currently, when an owner completes a major capital improvement (MCI) required for the operation, preservation or maintenance of a building, he or she may increase the rent to cover the cost of the improvement, with the increase becoming a permanent part of the legal regulated rent. The resolution would state that the City Council supports State legislation to make the MCI increase a surcharge that ends after the cost of the improvement is recovered.

**Preconsidered Res. No. 340-, Resolution calling on New York State Legislature to pass, and the Governor to sign, legislation that would extend rent stabilization to unregulated apartments**

Rent stabilization gives tenants critical protections and rights by setting standards for rent increases and evictions and by providing renewal rights. However, tenants in unregulated units have little, if any, protection from excessive rent increases or burdensome changes in lease provisions and have no right to lease renewals, which allows landlords to continuously seek out new tenants capable of paying ever higher rents. The resolution would state that the City Council supports State legislation that would extend rent stabilization to unregulated apartments.

**Preconsidered Res. No. 325-, Resolution calling on New York State Legislature to pass, and the Governor to sign, S.3179/A.5557, which would repeal the “Urstadt law” and allow New York City to regulate residential rents**

Current State law prohibits local municipalities from strengthening rent regulation laws (the “Urstadt law”). Passage of this legislation would allow the City to establish or adjust maximum rents, classify housing accommodations, regulate evictions, and enforce its relevant local laws or ordinances. The resolution would state that the City Council supports State legislation that would repeal the Urstadt law.

**Preconsidered Res. No. 339-, Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6925/A.268, which will provide rent control tenants relief from high rent increases**

Currently, rent increases for rent-stabilized apartments are set by local rent guidelines boards using a formula that accounts for a number of economic factors. Rents for certain rent-controlled apartments, however, automatically increase by 7.5 percent each year. The resolution would state that the City Council supports State legislation that would set the percentage rent increase available to owners of certain rent-controlled apartments to the lesser of 7.5 percent or an amount equal to the average of the previous five rent guidelines board increases. A268 would create parity between two systems that serve New Yorkers in need of affordable housing

**Preconsidered Res. No. 327-, Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation extending the statute of limitations for rent overcharges**

In New York City, some property owners are violating rent regulation laws by charging market rate rents for apartments required to be rent regulated. In rent controlled apartments, there is a two-year statute of limitation for bringing rent overcharge complaints. In rent stabilized apartments there is a four-year statute of limitation for bringing rent overcharge complaints, unless there is evidence of fraud. If the tenant cannot prove there was a fraudulent scheme to destabilize the apartment, the tenant may have no recourse for years of overcharges. The resolution would state that the City Council supports State legislation that would extend the statute of limitations for rent overcharges.

**Preconsidered Res. No. 332-, Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1593/A.9815, in relation to repealing the vacancy bonus**

A stabilized unit can be removed from rent stabilization when the rent reaches \$2,700 per month upon vacancy or when the household income exceeds \$200,000 for two consecutive years. A property owner can increase the rent of a rent stabilized unit by 18 percent for a one year lease and 20 percent for a two year lease each time such unit becomes vacant (the "vacancy bonus") The vacancy bonus has resulted in the removal of apartments from the rent stabilization system. The resolution would state that the City Council supports State legislation that would repeal the vacancy bonus and help preserve affordable housing for low and middle-income families.

*Accordingly, this Committee recommends the adoption of 325, 326, 327, 328, 331, 332, 339, and 340,*

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

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BILL PERKINS, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 4 Council Members formally noted their opposition to this item:  
Council Members Borelli, Gjonaj, Grodenchik and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 332

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1593/A.9815, in relation to repealing the vacancy bonus.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BILL PERKINS, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 4 Council Members formally noted their opposition to this item: Council Members Borelli, Gjonaj, Grodenchik and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 336

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.7623/S.840 and A9608B, in relation to authorizing ballot by mail, no excuse absentee ballot voting and early voting.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Res. No. 324 printed in these Minutes)**

*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)**

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS; Committee on Governmental Operations, May 3, 2018.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their vote against this item:

Council Members Borelli, Yeger and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) 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 voice-vote item Res. No. 337

**Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution by the Council of the City of New York ratifying Council action in *Council et al., v. Carter*, New York Supreme Court, Index No. 153498/2018 (Verified Petition filed April 17, 2018), a lawsuit filed to preserve the separation of powers enshrined in the City Charter and Council Members' free speech rights to express their policy positions by filing amicus briefs.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### REPORTS:

*Re:* PRECONSIDERED RESOLUTION NO. 337:

By Chairperson Karen Koslowitz:

**SUBJECT:** Resolution ratifying Council action in *Council et al., v. Carter*, filed in New York Supreme Court, a lawsuit filed to preserve the separation of powers enshrined in the City Charter and Council Members' free speech rights to express their policy positions by filing amicus briefs.

**ANALYSIS:** Before the Committee is a resolution seeking to preserve the right of Council Members to file amicus briefs in their representative capacity. This resolution ratifies the filing of the lawsuit *Council et al., v. Carter*. The lawsuit demands that Corporation Counsel recognize the separation of powers principles established in the City Charter and the rights of Council Members to express amicus policy positions in all courts.

*Accordingly, this Committee recommends its adoption.*

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

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April XX, 2018. *Other Council Members Attending: Council Member Rose.*

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 Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 338

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.9923, in relation to improving the format of ballot proposals to minimize confusion.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Res. No. 324 printed in these Minutes)**

*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)**

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, May 3, 2018.

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 Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 339

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6925/A.268, which will provide rent control tenants relief from high rent increases.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 this item:  
Council Members Borelli and Matteo voted in the negative.

Adopted by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote item Res. No. 340

**Report of the Committee on Housing and Buildings in favor of approving a Resolution calling on New York State Legislature to pass, and the Governor to sign, legislation that would extend rent stabilization to unregulated apartments.**

The Committee on Housing and Buildings, to which the annexed preconsidered resolution was referred on May 9, 2018, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Res. No. 331 printed in these Minutes)**

*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)**

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BILL PERKINS, CARLINA RIVERA, Committee on Housing and Buildings, May 2, 2018.

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 6 Council Members formally noted their opposition against this item:  
Council Members Borelli, Gjonaj, Grodenchik, Holden, Yeger and Matteo voted in the negative.

The following Council Member formally noted his abstention on this item:  
Council Member Cohen.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 864

By The Speaker (Council Member Johnson) and Council Member Holden.

### **A Local Law to amend the administrative code of the city of New York, in relation to investigation by the department of health and mental hygiene in connection with lead poisoning incidents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

#### Chapter 9 [Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

#### *Subchapter 1 Investigations Based on Elevated Blood Lead Level Findings*

*§ 17-910 Definitions. As used in this subchapter:*

*Child of applicable age. The term “child of applicable age” shall have the meaning ascribed to such term by section 27-2056.18 of the housing maintenance code.*

*Lead-based paint hazard. The term “lead-based paint hazard” shall have the meaning ascribed to such term by section 27-2056.2 of the housing maintenance code.*

*§ 17-911 Required investigation. In addition to or as part of any investigation required pursuant to section 27-2056.14 of the housing maintenance code, whenever a report has been made to the department of a person under 18 years of age with an elevated blood lead level that is at or above the blood lead reference level established by department rule, the department shall conduct such investigation as may be necessary to identify potential sources of such elevated blood lead level, including, but not limited to, an inspection of the following areas, provided that this section shall not be construed to require inspection by the department of an area more than once in any three-month period:*

- 1. The dwelling unit in which the person with such elevated blood lead level resides;*
- 2. Each dwelling unit that is in the same building as the dwelling unit in which such person resides and occupied by a child of applicable age, provided that these inspections are only required if the department determines that, in the dwelling unit in which the person with such elevated blood lead level resides, (i) the lead level in water supplied for drinking or cooking purposes exceeds the water lead action level established by department rule or (ii) a lead-based paint hazard exists;*
- 3. Each daycare facility, preschool, nursery school and school that is attended by the person with such elevated blood lead level; and*
- 4. Each park, playground or other area that is partially or wholly covered in bare soil where the department’s investigation indicates that the person with such elevated blood level visits or is likely to visit such area.*

*§ 17-912 Reserved.*

*§ 17-913 Scope of required inspections. Whenever the department is required to conduct an inspection of real property or part thereof under section 17-911 to identify potential sources of elevated blood lead levels in a person under 18 years of age or a pregnant woman, such inspection shall include:*

- 1. An inspection of such property or part thereof for lead-based paint hazards;*
- 2. A lead test of a sample of water from each fixture within such property or part thereof that supplies water for drinking or cooking purposes; and*

3. A lead test of a sample of soil from each area on the premises of such property that is (i) partially or wholly covered in bare soil and (ii) accessible to persons other than those employed to maintain such property.

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based Paint Hazards in Day Care Facilities

§ 17-920 *Definitions.* As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:

*Day care facility.* The term “day care facility” means a facility used to provide day care service.

*Day care service.* The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility or by the owner of the premises where such facility is located by submitting to the department a sworn written statement by [the] such operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] such operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 *Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based paint* or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility or the owner of the premises where such facility is located to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] after service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department’s request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.

§ [17-912] 17-923 *Department rules.* The department shall promulgate such rules as may be necessary for the implementation of this [chapter] subchapter. Such rules shall incorporate work practices that are no less protective of public health than those set forth in subdivision d and e of section 173.14 [(d) and (e)] and those parts of subdivision b of such section of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing

and urban development or an entity authorized by it to gives such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] 17-924 Annual [Survey] *survey for lead-based paint hazards*. The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 865

By The Speaker (Council Member Johnson) and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to lead reference/action levels and standards relating to lead-based paint hazards**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1*  
*Lead Reference/Action Levels*

§ 17-910 *Definitions. As used in this subchapter:*

*Child of applicable age. The term “child of applicable age” shall have the meaning ascribed to such term by section 27-2056.18 of the housing maintenance code.*

*Lead-based paint hazard. The term “lead-based paint hazard” shall have the meaning ascribed to such term by section 27-2056.2 of the housing maintenance code.*

§ 17-911 *Reserved.*

§ 17-912 *Lead reference levels and action levels. a. For the purposes of this subchapter, section 27-2056.14 of the housing maintenance code and any local law referring to a blood lead reference level except as otherwise provided in such local law, the blood lead reference level shall be five micrograms per deciliter, except that, if the United States centers for disease control and prevention or a successor agency adopts a lower blood lead reference level, the department shall (i) by rule adopt such lower level as the blood lead reference level for the purposes of this subchapter and section 27-2056.14 of the housing maintenance code or (ii) submit a report to the mayor and the speaker of the council detailing the reasons why such lower blood lead reference level should not be adopted for the city.*

*b. For the purposes of this subchapter and any local law referring to a soil lead reference level except as otherwise provided in such local law, the soil lead reference level is 400 parts per million (ppm) for areas where children of applicable age are likely to frequently encounter bare soil and 1,200 ppm for other areas, except that, if the United States environmental protection agency or a successor agency adopts lower soil reference*

levels for the purposes of defining a soil-lead hazard in section 745.227 of title 40 of the code of federal regulations or a successor rule, the department shall (i) by rule adopt such lower levels as the soil lead reference level for the purposes of this subchapter or (ii) submit a report to the mayor and the speaker of the council detailing the reasons why such lower levels should not be adopted for the city.

c. For the purposes of this subchapter and any local law relating to a water lead reference level except as otherwise provided in such local law, the water lead action level is 15 parts per billion (ppb), except that, if the United States environmental protection agency or a successor agency adopts a lower action level, the department shall (i) by rule adopt such lower level as the water lead action level for the purposes of this subchapter or (ii) submit a report to the mayor and the speaker of the council detailing the reasons why such lower level should not be adopted for the city.

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based Paint Hazards in Day Care Facilities

§ 17-920 Definitions. As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:

*Day care facility.* The term “day care facility” means a facility used to provide day care service.

*Day care service.* The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility or by the owner of the premises where such facility is located by submitting to the department a sworn written statement by [the] such operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] such operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 *Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility or the owner of the premises where such facility is located to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] after service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department’s request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.

§ [17-912] 17-923 Department rules. The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e of* section 173.14 [(d) and (e)] and those parts of subdivision b *of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] 17-924 Annual [Survey] *survey for lead-based paint hazards*. The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 4. Paragraph 6 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Lead-based paint. The term “lead-based paint” means paint or other similar surface coating material containing [1.0] 0.3 milligrams of lead per square centimeter or greater, as determined by laboratory analysis, or by an x-ray fluorescence analyzer. If an x-ray fluorescence analyzer is used, readings shall be corrected for substrate bias when necessary as specified by the performance characteristic sheets released by the United States environmental protection agency and the United States department of housing and urban development for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings shall be classified as positive, negative or inconclusive in accordance with the United States department of housing and urban development “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” [(June 1995, revised 1997)] (July 2012) or any successor guidelines published by the United States department of housing and urban development and the performance characteristic sheets released by the United States environmental protection agency and the United States department of housing and urban development for the specific x-ray fluorescence analyzer used. X-ray fluorescence readings that fall within the inconclusive zone, as determined by the performance characteristic sheets, shall be confirmed by laboratory analysis of paint chips, results shall be reported in milligrams of lead per square centimeter and the measure of such laboratory analysis shall be definitive. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, a laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface-coating material containing more than [0.5%] 0.06% by weight of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.

§ 5. Paragraph 8 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(8) “Lead-contaminated dust” shall mean dust containing lead at a mass per area concentration of [40] 2.5 or more micrograms per square foot on a floor, [250] 25 or more micrograms per square foot on window sills, and [400] 50 or more micrograms per square foot on window wells, or such more stringent standards as may be adopted by the department of health and mental hygiene.

§ 6. Section 27-2056.14 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.14 Inspections by Department of Health and Mental Hygiene and Removal of Health Code Violations by Department of Housing Preservation and Development. Whenever a report has been made to the department of health and mental hygiene of a person under eighteen years of age with an elevated blood lead level [of fifteen micrograms per deciliter or higher] *that is at or above the blood lead reference level established under section 17-912 of the code* residing in any dwelling unit, the department of health and mental hygiene shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such person resides. If the department

of health and mental hygiene issues an order to correct any violation, the department of health and mental hygiene shall notify the department of each dwelling unit in a dwelling for which the department of health and mental hygiene has issued an order to correct a violation. Where the owner of the dwelling or relevant dwelling unit within such dwelling fails to comply with an order of the department of health and mental hygiene to correct a violation placed by the department of health and mental hygiene, the department of health and mental hygiene shall certify such conditions to the department of housing preservation and development. The certification procedure shall be completed within sixteen days of the report of the elevated blood lead level. The conditions so certified shall be corrected within eighteen days of certification to the department.

§ 7. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 866

By The Speaker (Council Member Johnson) and Council Members Vallone, Holden, Ampry-Samuel, Moya, Cornegy, Kallos, Koo, Chin, Adams, Rose, Gjonaj, Rivera, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review NYPD, DOE and community collaboration on school emergency preparedness**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 6 to read as follows:

*6. collaboration, including regularly scheduled meetings, between department personnel Department of Education personnel, and community members;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 324

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.5382A, the “Voter Enfranchisement Modernization Act of 2018,” an act that establishes an electronic personal voter registration process and provides for online voter registration.**

By The Speaker (Council Member Johnson) and Council Members Kallos, Constantinides, Cornegy and Ampry-Samuel.

**Whereas**, the right to vote is a fundamental right secured in both the federal constitution and the New York state constitution; and

**Whereas**, The only fully electronic voter registration system currently in operation statewide is the New York State Department of Motor Vehicles electronic voter registration system, which requires the registrant to have a New York State issued driver license, permit or Non-Driver ID; and



**Whereas,** Hundreds of thousands of New Yorkers have used the DMV registration system since it was launched in 2012 but the demand for the service led to the website crashing right before registration deadlines; and

**Whereas,** Studies have found that fewer young people are obtaining driver licenses, yet they would be most likely to register to vote online; and

**Whereas,** The City Council passed, and the Mayor signed into law, Local Law 238 of 2017, in relation to online facilitation of voter registration, to create a web portal for local online voter registration, that would facilitate the registration of any eligible resident of the City; and

**Whereas,** A.5382A would establish, in addition to the existing methods for voter registration, a process for any eligible New Yorker to register to vote through a New York State Board of Elections website; 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.5382A, the “Voter Enfranchisement Modernization Act of 2018,” an act that establishes an electronic personal voter registration process and provides for online voter registration.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 325

**Resolution calling on New York State Legislature to pass, and the Governor to sign, S.3179/A.5557, which would repeal the “Urstadt law” and allow New York City to regulate residential rents.**

By The Speaker (Council Member Johnson) and Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos and Constantinides.

**Whereas,** New York City continues to face a housing crisis, with the latest Housing and Vacancy Survey conducted by the United States Census Bureau revealing a vacancy rate of only 3.65 percent; and

**Whereas,** The "Urstadt Law," enacted by the State in 1971 and amended in 2003, limits New York City's authority to regulate residential rents; and

**Whereas,** There are almost one million apartments covered by rent regulations in New York City, which represents most of the City's affordable rental housing stock and roughly half of the City's rental units; and

**Whereas,** The New York City Rent Guidelines Board recently reported that 4,690 rent-stabilized units were deregulated in 2012 with about 152,147 rent stabilized units deregulated since 1994 due to high rent vacancy deregulation; and

**Whereas,** More New Yorkers are paying at or over 30% of their income towards rent, creating a financial hardship for low and middle-income tenants and forcing many low and middle-income tenants to relocate, live in substandard housing conditions or struggle to keep up with living expenses; and

**Whereas,** The housing market in New York City is unlike other communities in New York State, and New York City's government is in the best position to comprehend and address its own housing problems; and

**Whereas,** The Urstadt Law prevents New York City from strengthening the rent regulation laws to address the City's current housing crisis, which affects millions of tenants; and

**Whereas,** S. 3179, introduced by State Senator Krueger and pending in the New York State Senate, and companion bill A.5557, introduced by Assembly Member Cymbrowitz and pending in the New York State Assembly, would give New York City the ability to regulate and control residential rents, evictions, the classification of housing accommodations and the enforcement of relevant local laws; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on New York State Legislature to pass, and the Governor to sign, S.3179/A.5557, which would repeal the “Urstadt law” and allow New York City to regulate residential rents.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Preconsidered Res. No. 326

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6527/A.6285, which limits rent increases on renewal of rent stabilized units where a preferential rent was being charged.**

By The Speaker (Council Member Johnson) and Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos and Constantinides.

**Whereas**, According to the 2017 New York City Housing and Vacancy Survey (HVS), New York City is current in an affordable housing crisis and has a vacancy rate of 3.65 percent; and

**Whereas**, New York City has affordable housing programs to keep neighborhoods economically diverse and vibrant, and affordable for low and middle income New Yorkers; and

**Whereas**, One affordable housing program is rent stabilization, which limits rent increases and provides tenants with eviction protections in privately owned buildings; and

**Whereas**, HVS identified 966,000 rent stabilized units which are administered by the New York State Homes and Community Renewal (HCR); and

**Whereas**, New York State law allows a property owner to charge tenants "preferential rent," which is rent that is less than the legal regulated rent under the rent stabilization program; and

**Whereas**, Tenants are usually offered preferential rent at the initial lease because the legal regulated rent is more than the market can bear; and

**Whereas**, When a tenant's lease is up for renewal, property owners may raise the rent back to the legal regulated rent, which may be significantly higher than the preferential rent the tenant was previously paying; and

**Whereas**, Tenants who lose their preferential rent may be forced to vacate and may not be able to find another affordable apartment due to New York City's affordable housing crisis; and

**Whereas**, S.6527, introduced by State Senator Krueger and pending in the New York State Senate, and companion bill A.6285, introduced by Assembly Member Cymbrowitz and pending in the New York State Assembly, would limit rent increases where landlords are charging a preferential rent and would only allow an increase from a preferential rent to a legal regulated rent upon vacancy of the unit, not at renewal; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.6527/A.6285, which limits rent increases on renewal of rent stabilized units where a preferential rent was being charged.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Preconsidered Res. No. 327

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation extending the statute of limitations for rent overcharges.**

By The Speaker (Council Member Johnson) and Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos and Constantinides.

**Whereas,** According to the 2017 New York City Housing Vacancy Survey, there are 966,000 rent stabilized units and 21,751 rent controlled units; and

**Whereas,** The New York State Homes and Community Renewal agency is responsible for administering rent stabilization and rent control laws; and

**Whereas,** The rent stabilization and rent control laws set standards for the legal amount of rent an owner may charge, for increases in rents, for removal of a property from rent regulation, and for evictions; and

**Whereas,** If an owner is found to have overcharged a tenant living in a rent stabilized apartment, that owner may be responsible for treble damages; and

**Whereas,** In New York City, some property owners are violating rent regulation laws by charging market rate rents for apartments required to be rent regulated; and

**Whereas,** In rent controlled apartments, there is a two year statute of limitation for bringing rent overcharge complaints; and

**Whereas,** In rent stabilized apartments there is a four year statute of limitation for bringing rent overcharge complaints, unless there is evidence of fraud; and

**Whereas,** If the tenant cannot prove there was a fraudulent scheme to destabilize the apartment, the tenant may have no recourse for years of overcharges; 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 extending the statute of limitations for rent overcharges.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Preconsidered Res. No. 328

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.4312, legislation amending the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974 and the Emergency Housing Rent Control Law, in relation to making the Major Capital Improvement (MCI) rent increase a temporary surcharge.**

By The Speaker (Council Member Johnson) and Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos and Constantinides.

**Whereas,** According to the 2017 New York City Housing Vacancy Survey, there are 966,000 rent stabilized units and 21,751 rent control units comprising roughly 45 percent of New York City's housing stock; and

**Whereas,** The application for a Major Capital Improvement (MCI) to the New York State Homes and Community Renewal (HCR) allows owners of rent stabilized and rent controlled units to apply to for a building-wide rent increase based on building-wide improvements; and

**Whereas,** The MCI rent increase is determined by dividing the cost of the MCI by 96 months for buildings/complexes with 35 or fewer accommodations or 108 months for buildings/complexes with more than 35 housing accommodations, and then allocating that increase among the dwelling units in such building based on the number of rooms in each such unit; and

**Whereas,** MCI rent increases remain part of the base rent, even after the costs of the MCI have been fully recovered; and

**Whereas,** Rent increases approved because of MCIs may substantially increase the monthly rent for rent stabilized units; and

**Whereas,** Once the rent in rent stabilized units reaches \$2,700, the unit may be deregulated upon vacancy or upon tenant incomes reaching \$200,000 two years in a row; and

**Whereas,** Making MCIs a temporary surcharge would allow owners to recoup the cost of building-wide improvements without contributing to deregulation; and

**Whereas**, S.4312, sponsored by Senator Krueger and currently pending in the New York State Legislature, would establish a methodology for determining MCI rent surcharges based on a seven-year timeline, require that the surcharge be based on the number of rooms in the building and in the apartment, and require that this surcharge cease once the cost of the MCI has been recovered; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.4312, legislation amending the Administrative Code of the City of New York, the Emergency Tenant Protection Act of 1974 and the Emergency Housing Rent Control Law in relation to making the Major Capital Improvement (MCI) rent increase a temporary surcharge.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 867

By Council Member Adams.

**A Local Law to amend the administrative code of the city of New York, in relation to reviewing street widths to reevaluate street traffic flow designations.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.7 to read as follows:

*§19-101.7 Review of street widths and reevaluation of street traffic flow designations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Street traffic flow. The term "street traffic flow" means the designation of a street as a one-way street or two-way street.*

*b. By December 16, 2019, the department shall conduct a review of each street in the city, taking into account factors that affect traffic flow, such as bike lanes, medians, and parking, as well as traffic volume, and shall determine whether to change the street traffic flow designation.*

*c. The department shall inform the council members and community boards of affected streets and areas at least 30 days prior to any such designation changes made pursuant to this section.*

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

Referred to the Committee on Transportation.

Int. No. 868

By Council Members Ampry-Samuel, Holden and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead water hazards in dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

*§ 27-2056.1 Reserved.*

*§ 2. Paragraph 11 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:*

(11) “Remediation” or “Remediate” shall mean (i) with respect to a lead-based paint hazard, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene or (ii) with respect to other hazardous conditions concerning lead, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.

§ 3. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

§ 27-2056.3.1 *Owners’ responsibility with respect to lead in drinking or cooking water.* a. For a dwelling unit in which a child of applicable age resides and that is (i) in a multiple dwelling or (ii) in a private dwelling where each dwelling unit within such dwelling is occupied by persons other than the owner or the owner’s family, the owner shall:

1. Provide a lawful occupant of such unit with a water filtered pitcher that has been certified by NSF International, or another certifying body designated by rule of the department of health and mental hygiene, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53, as in effect on the effective date of the local law that added this section, or such other standard as such department may specify by rule, and thereafter replace such pitcher in accordance with manufacturer specifications;

2. Install, and thereafter maintain and replace in accordance with manufacturer specifications, a water filtration or treatment system that will reduce lead concentrations in water supplied for drinking or cooking purposes in such unit and that has been certified by NSF International, or another certifying body designated by rule of such department, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as such department may adopt by rule, provided that if electing to comply with this paragraph, such owner shall at least once in each year, in a time and manner established by such department, provide such department with a certification describing the manner of such compliance and provide a copy of such certification to a lawful occupant of such unit; or

3. Except as provided in subdivision b of this section, at least once in each year cause a sample of water from each fixture that supplies water for drinking or cooking purposes in such unit to be analyzed for lead by a laboratory certified by the United States environmental protection agency, or a state agency of appropriate jurisdiction, to analyze water samples for lead and provide a copy of the results of such analysis to a lawful occupant of such unit.

b. 1. For a dwelling unit in a building erected before June 19, 1988, the owner may only elect to comply with paragraph 3 of subdivision a of this section if the department of health and mental hygiene has authorized such election for such unit based upon submission of an application, in a form and manner established by such department, showing that (i) a person performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes to such unit to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by such department, the department of buildings or another agency designated by the mayor, (iv) such application includes a copy of the results of such tests certified by such person and (v) a copy of such application was provided to a lawful occupant of such unit.

2. The department of health and mental hygiene may reduce the frequency of sampling for a dwelling unit under paragraph 3 of subdivision a of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established by rule of the department of health and mental hygiene.

c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that water supplied for drinking or cooking in a dwelling unit in a multiple dwelling has a lead level at or above the water lead action level established by rule of the department of health and mental hygiene, the owner of such unit shall:

1. Notify the department of health and mental hygiene in a time and manner established by such department; and

2. Comply with paragraph 1 or 2 of subdivision a of this section, except that an owner who provides a water filtration pitcher or installs a water filtration or treatment system pursuant to such paragraphs need not thereafter replace such pitcher or system in accordance with such paragraphs if such owner submits to the department of health and mental hygiene, in a time and manner established by such department, a certification showing that (i) a sample of water was obtained from each fixture in such unit that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the provision of such filter or installation of such system but did not include water that passed through such filter or system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicates that the lead level of each such sample is below the water lead action levels established by rule of the department of health and mental hygiene, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was provided to a lawful occupant of such unit.

d. The owner of a dwelling unit in a private dwelling erected before June 19, 1988, shall, before execution of a sale of such unit to a person other than a member of the owner's family, provide to the prospective purchaser a certification from a person who (i) performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes to such unit to determine the lead content thereof and (ii) is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by such department, the department of buildings or another agency designated by the mayor, provided further that such certification shall include a copy of the results of such tests.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 869

By Council Members Ampry-Samuel, Vallone, Holden, Moya, Cornegy, Kallos, Koo, Chin, Powers, Rose, Rivera, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review safety protocols for students experiencing a mental health crisis**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 9 to read as follows:

9. protocols for students experiencing a mental health crisis;

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

## Int. No. 870

By Council Members Borelli, Levine and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to shelter animal adoptions**

*Be it enacted by the Council as follows:*

Section 1. Section 17-802 of title 17 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

*k. "Adoptable animal" means any animal not suffering from an incurable illness, severe chronic pain, or serious behavioral issues, deemed to be suitable for adoption as defined in subdivision a of this section.*

§2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

*§ 17-816 Advertising of animals. Every animal shelter shall post photographs and relevant information for each adoptable animal, including but not limited to age and sex, to their website within three days of receiving such animal.*

§3. This local law takes effect 30 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

## Int. No. 871

By Council Members Borelli, Holden and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring first draw samples when testing for lead in water**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1*  
*Lead Testing Requirements and Standards*

*§ 17-910 Reserved.*

*§ 17-911 Reserved.*

*§ 17-912 Reserved.*

*§ 17-913 Reserved.*

*§17-914 Reserved.*

*§ 17-915 Testing Water for Lead. Whenever testing water for lead from a fixture or other source is required by law or rule, or an order issued by a court or agency of appropriate jurisdiction, such testing shall include (i)*

*taking a first-draw sample from such source and (ii) analysis of such sample by a laboratory certified to analyze water samples for lead by the United States environmental protection agency or a state agency having appropriate jurisdiction, unless otherwise provided for by federal or state law or rule. For the purposes of this section, the term “first-draw sample” means a first draw tap sample for lead and copper, as such term is defined in section 5-1.1 of title 10 of the New York codes, rules and regulations.*

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

Referred to the Committee on Health.

Int. No. 872

By Council Members Brannan, Matteo, Torres, Rose, Vallone, Holden, Ampry-Samuel, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review a public notification for school emergencies**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 8 to read as follows:

7. *public notifications for school emergencies;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 329

**Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.7404 in relation to requiring a new party to file a certificate following the election at which the party obtains party status.**

By Council Members Cabrera and Kallos.

**Whereas**, After each New York State gubernatorial election, the state Board of Election is required to publish a new voter registration form; and

**Whereas**, The voter registration form must include the parties on the ballot for the next four years; and

**Whereas**, Under current law, there is no deadline provided for the filing of a new party’s name and emblem; and

**Whereas**, Without a deadline, new registration forms are not issued in a timely manner; and

**Whereas**, New York State Assembly Member Galef introduced A.7404, which would set the new party filing deadline to the last day in February after a gubernatorial election; and

**Whereas**, Under the proposed legislation, any late applications would take effect on the last day of January after the next gubernatorial election; and

**Whereas**, The proposed legislation gives new parties four months from the general election to file a new party name and emblem; and



**Whereas**, Requiring a deadline for new party enrollments would allow voter registration forms to be finalized and issued more quickly and regularly, improving access to voter registration forms, thereby increasing the number of potential voters; 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.7404 in relation to requiring a new party to file a certificate following the election at which the party obtains party status.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 330

**Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.9758A/S.7149, in relation to the political expenditures of limited liability companies.**

By Council Members Cabrera and Kallos.

**Whereas**, Under New York State law, corporations have an annual cap of \$5,000 on their expenditures made for political purposes; and

**Whereas**, Limited liability companies ('LLC') are not explicitly named in the New York State Election Law section governing political activity by corporations; and

**Whereas**, In 1996, the New York State Board of Elections issued an advisory opinion that relied on a since repealed federal law designating LLCs as individuals, and thus subjecting LLCs to the campaign contribution limits and disclosure requirements for individuals; and

**Whereas**, As a result of this advisory opinion, LLC contributions are governed in a way inconsistent with all other corporate campaign contributions; and

**Whereas**, Individuals or entities repeatedly use separate LLCs to make multiple political donations up to \$150,000 per LLC in statewide elections, adding up to millions of dollars in combined donations tied back to one individual or entity; and

**Whereas**, The identities of LLC owners and partners are often masked as the New York State Department of State does not require LLCs to identify their members or managers; and

**Whereas**, New York State Assembly Member Simon and New York State Senator Kavanagh introduced A9758A/S7149, subjecting LLCs to existing contribution limits for corporations; and

**Whereas**, Under the proposed legislation, LLCs would be restricted to the same \$5,000 aggregate contribution limit as corporations, and all LLCs that make an expenditure for political purposes would need to disclose the identity of all direct and indirect LLC owners, with the percentage of ownership; and

**Whereas**, The bill would also require LLCs to attribute any contributions made by the LLC to its owners, in proportion to their ownership interest; and

**Whereas**, Removing the 'LLC loophole' would bring New York State Election Law into alignment with the Federal Election Commissions' 1999 rule which treats LLCs as corporations or partnerships for the purpose of campaign contributions; and

**Whereas**, New York Public Interest Research Group found in 2013 that LLC contributions accounted for 14% of all money raised by statewide candidates and parties, more than three times the amount contributed by donors who gave \$1,000 or less; and

**Whereas**, New York City has one of the strongest and most transparent campaign finance systems in the nation by amplifying the value of small-dollar contributions through public matching in an effort to reduce the possibility and perception of corruption from large contributions; and

**Whereas**, The ability of individuals and entities to make virtually unlimited political expenditures in the state of New York via the LLC loophole hinders electoral competition and directly impacts the political representation of New York City residents at the state level; 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.9758A/S.7149, in relation to the political expenditures of limited liability companies.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Int. No. 873

By Council Members Chin and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to permanent removal of lead-based paint**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.3 of article 14 of subchapter 2 of chapter 2 of title 27, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.3 Owners' Responsibility to Remediate. *a.* The existence of a lead-based paint hazard in any multiple dwelling where a child of applicable age resides is hereby declared to constitute a condition dangerous to life and health. An owner shall take action to prevent the reasonably foreseeable occurrence of such a condition and shall expeditiously remediate such condition and any underlying defect, when such underlying defect exists, consistent with the work practices established pursuant to section 27-2056.11 of this article, except where lead-contaminated dust is present in such multiple dwelling and the department of health and mental hygiene has made a determination pursuant to paragraph six of subdivision c of section 27-2056.10 of this article.

*b.* Each owner of a dwelling unit in a multiple dwelling erected before January 1, 1960 shall, upon the first vacancy of such unit that occurs five or more years after the effective date of the local law that added this subdivision and before such unit is reoccupied, ensure that such unit is free of lead-based paint and shall certify the following to the department, provided that such certification shall not be required if such unit has been exempted from the presumption under section 27-2056.5 for having complied with substantially similar requirements to the following:

*1.* Such unit was investigated (i) by a lead-based paint inspector or risk assessor certified pursuant to subparts L and Q of part 745 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this subdivision, and (ii) in accordance with either subdivision b of section 745.227 of such title or chapter 7 of the United States department of housing and urban development's guidelines for evaluation and control of lead-based paint hazards in housing, as in effect on the effective date of the local law that added this subdivision, provided that if such regulations or guidelines are updated after such effective date, the department may by rule adopt requirements consistent with such updated regulations and guidelines; and

*2.* Such unit is free of lead-based paint, or, such inspector or risk assessor has made a determination that, as a result of a substantial alteration of such unit, lead-based paint on each surface and component in such unit has been contained by encapsulation so that each surface tested is negative for lead-based paint, or other such methods that would abate the presence of lead in such unit if such methods are designed and performed so as to be permanent.

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

Referred to the Committee on Housing and Buildings.

Int. No. 874

By Council Members Chin and Torres.

**A Local Law to amend the administrative code of the city of New York, in relation to improving interagency cooperation, and issuing stop work orders, in connection with lead paint and construction work**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 24-223 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(c) If after hours work at the site is not being performed in compliance with such plan or where no plan is in effect, *or the department or the agency issuing such authorization[,] knows of any outstanding lead-based paint hazard or violation of law relating to lead-based paint safety, including article 14 of subchapter 2 of chapter 2 of title 27 of this code or article 173 of the health code, the department or agency issuing such authorization at the request of the commissioner or on its own account[,] may take appropriate action, including but not limited to the refusal to renew such after hours authorization.*

§ 2. Section 27-2056.13 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.13 Transmittal of Violations to the Department of Health and Mental Hygiene *and Department of Buildings. a. Notice to the department of health and mental hygiene.* The department shall send a notice which shall be addressed to the dwelling unit in the multiple dwelling, when a dwelling unit is identified, for which a violation of this article was issued. Such notice shall include a telephone number for the department of health and mental hygiene. The department shall also refer to the department of health and mental hygiene the address of the unit in the multiple dwelling for which such violation was issued, the name of the complainant, if any, and the complainant's telephone number, if available. The department of health and mental hygiene, pursuant to section 17-179 of this code, shall refer to appropriate medical providers any person who requests assistance in blood lead screening, testing, diagnosis or treatment, and upon the request of a parent or guardian, arrange for blood lead screening of any child who requires screening and whose parent or guardian is unable to obtain a lead test because the child is uninsured or the child's insurance does not cover such screening.

*b. Notice to the department of buildings. Whenever the department sends a notice of violation pursuant to subdivision a of this section, the department shall also refer to the department of buildings the address of the unit in the multiple dwelling for which such violation was issued, the nature of the violation, the name of the complainant, if any, and the complainant's telephone number, if available.*

§ 3. Section 27-2056.14 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.14 Inspections by Department of Health and Mental Hygiene, *Notice to the Department of Buildings* and Removal of Health Code Violations by Department of Housing Preservation and Development. Whenever a report has been made to the department of health and mental hygiene of a person under eighteen years of age with an elevated blood lead level of fifteen micrograms per deciliter or higher residing in any dwelling unit, the department of health and mental hygiene shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such person resides. If the department of health and mental hygiene issues an order to correct any violation, the department of health and mental hygiene shall notify the department *and the department of buildings* of each dwelling unit in a dwelling for which the department of health and mental hygiene has issued an order to correct a violation. Where the owner of the dwelling or relevant dwelling unit within such dwelling fails to comply with an order of the department of health and mental hygiene to correct a violation placed by the department of health and mental hygiene, the department of health and mental hygiene shall certify such

conditions to the department of housing preservation and development. The certification procedure shall be completed within sixteen days of the report of the elevated blood lead level. The conditions so certified shall be corrected within eighteen days of certification to the department.

§ 4. Item 3.1 of section 28-104.8.4 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:

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos[.] *and disclosure of any complaint or notice of violation related to lead-based paint in connection with that building in the preceding 48 months.*

§ 5. Section 28-207.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-207.2 Stop work orders. Whenever the commissioner finds that any building work is being executed in violation of the provisions of this code, the 1968 building code, the zoning resolution or of any laws or rules enforced by the department, or in a dangerous or unsafe manner, the commissioner or his or her authorized representative may issue a stop work order. *Without in any way limiting the foregoing, the commissioner or his or her authorized representative may also issue a stop work order with respect to any building for which the department has received notice of a lead-based paint hazard or violation of law in relation to lead-based paint safety, including article 14 of subchapter 2 of chapter 2 of title 27 of this code or article 173 of the health code.*

§ 6. Article 207 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-207.2.3.1 as follows:

§ 28-207.2.3.1 *Rescission of stop work orders relating to lead. In the case of a stop work order issued in connection with a lead-based paint hazard or violation of law in relation to lead-based paint safety, the commissioner shall rescind the stop work order when the commissioner is satisfied that any underlying violation of law has been remedied or that the work subject to the order will be done according to all applicable safety standards.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 875

By Council Members Constantinides and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to informing the council, individual council members and affected community boards when beaches and waterways are unsafe or closed**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

§ 17-199.7 *Beach closures and advisories. When a beach is closed or under a beach advisory pursuant to section 167.17 of the health code, the department shall inform the speaker of the council, the council member or members who represent the beach, or the area adjacent to the beach, and the community board or boards that represent the beach, or the area adjacent to the affected beach.*

§ 2. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-367 to read as follows:

§ 24-367 *Notification regarding status of waterbodies.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

*Combined sewage overflow.* The term “combined sewage overflow” means the discharge from a combined sewer system that is caused by snowmelt or storm water runoff consisting of excess storm water and untreated sewage.

*Combined sewage overflow waterbody advisory.* The term “combined sewage overflow waterbody advisory” means an official announcement recommending that individuals avoid even limited contact with a particular waterbody, including but not limited to fishing and activities in which an individual will come in secondary contact with water from said waterbody.

*Combined sewer system.* The term “combined sewer system” means a sewer system in which wastewater and rainwater are collected in the same sewers and then conveyed together to the city's treatment plants.

*Waterbody.* The term “waterbody” means any river, tidal estuary, bay, creek, canal, or other body of surface water.

b. The department shall notify the council member or members who represent the waterbody, or the area adjacent to the affected waterbody, and the community board or boards that represent the waterbody, or the area adjacent to the affected waterbody, when a waterbody is known to the department to be unsafe for human contact due to a combined sewage overflow waterbody advisory or illegal dumping in a waterbody, or when the department is notified of the presence in a waterbody of a hazardous chemical whose concentration is such that it poses a significant risk to human life.

c. The department shall update the sustainable stormwater management plan required by section 24-526.1 to include direct notification of council members and community boards pursuant to subdivision b of this section.

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

Referred to the Committee on Environmental Protection.

Int. No. 876

By Council Members Constantinides, Van Bramer, Treyger, Vallone, Holden, Ampry-Samuel, Koslowitz, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rose, Rivera, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review evacuation plans and emergency response protocols at schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 3 to read as follows:

3. *building safety plans and other emergency response protocols, including evacuation routes, in consultation with the fire department and the office of emergency management;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 877

By Council Members Cornegy and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to agency referrals for blood lead screenings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1*  
*Blood Lead Screening*

*§ 17-910 Definitions. As used in this subchapter:*

*Child of applicable age. The term “child of applicable age” shall have the meaning ascribed to such term by section 27-2056.18 of the housing maintenance code.*

*Covered agency. The term “covered agency” means an agency that provides services for or relating to children of applicable age, including but not limited to, the department, the department of social services/human resources administration, the department of education, the administration for children’s services, the department of youth and community development, the department of homeless services, the department of parks and recreation and such other agencies as the mayor may designate.*

*§ 17-911 Reserved.*

*§ 17-912 Reserved.*

*§ 17-913 Reserved.*

*§ 17-914 Lead screening referrals by agencies. When a covered agency provides a service for or related to a child of applicable age, such agency shall make reasonable efforts to obtain from a parent or guardian of such child evidence that such child has received blood lead screening. If no such evidence exists or no such evidence is provided by such parent or guardian, such agency shall (i) request that such parent or guardian provide additional information, specified by the department, to assist the department in determining the reason that such child has not received blood lead screening, (ii) provide a pamphlet or other materials approved by the department explaining the importance of obtaining blood lead screening for children of applicable age and (iii) refer such parent or guardian to a primary healthcare provider, or a person designated by the department, for blood lead screening.*

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based Paint Hazards in Day Care Facilities

*§ 17-920 Definitions. As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:*

*Day care facility. The term “day care facility” means a facility used to provide day care service.*

*Day care service. The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.*

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] *before* January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility *or by the owner of the premises where such facility is located* by submitting to the department a sworn written statement by [the] *such* operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 *Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility *or the owner of the premises where such facility is located* to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] *after* service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department’s request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.

§ [17-912] 17-923 *Department rules.* The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e* of section 173.14 [(d) and (e)] and those parts of subdivision b *of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] 17-924 *Annual [Survey] survey for lead-based paint hazards.* The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

## Preconsidered Res. No. 331

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.3482/A.433, in relation to repealing vacancy decontrol.**

By Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos, Constantinides, Ayala and Koslowitz.

**Whereas,** The affordable housing emergency that led to the enactment of the rent regulation laws continues to exist in New York City; and

**Whereas,** The latest Housing and Vacancy Survey (HVS) conducted by the United States Bureau of the Census reveals a vacancy rate of only 3.65 percent in New York City; and

**Whereas,** The HVS also identified 966,000 rent-stabilized units and 21,751 rent control units, which together comprise roughly 45 percent of New York City's housing stock; and

**Whereas,** Vacancy decontrol is the process by which a property owner removes a rent-regulated unit from the regulatory system when the permitted rent of the vacant unit increases above \$2,700 a month; and

**Whereas,** The New York City Rent Guidelines Board stated that about 152,147 rent stabilized and rent control units have been deregulated due to vacancy decontrol since 1994; and

**Whereas,** This practice has greatly exacerbated the City's severe lack of affordable housing by taking thousands of affordable units off the market; and

**Whereas,** The lack of affordable housing creates a financial hardship because many households are paying at or over 30% of their income towards rent; and

**Whereas,** This financial hardship has forced many tenants to relocate, live in substandard housing conditions or become unable to keep up with living expenses; and

**Whereas,** S.3482, introduced by State Senator Stewart Cousins and pending in the New York State Senate, and companion bill A.433, introduced by Assembly Member Linda Rosenthal and pending in the New York State Assembly, would repeal vacancy decontrol; and

**Whereas,** This bill is necessary to preserve New York City's affordable housing for future generations; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.3482/A.433, in relation to repealing vacancy decontrol.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

## Preconsidered Res. No. 332

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1593/A.9815, in relation to repealing the vacancy bonus.**

By Council Members Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos, Constantinides, Ayala and Koslowitz.

**Whereas,** The affordable housing emergency that led to the enactment of the rent regulation laws continues to exist in New York City; and

**Whereas,** According to the latest Housing and Vacancy Survey (HVS) conducted by the United States Bureau of the Census, the vacancy rate in New York City is only 3.65 percent; and

**Whereas,** The New York City Rent Stabilization Law protects tenants from harassment and unreasonable rent increases or evictions in privately owned buildings; and

**Whereas,** The HVS identified 966,000 rent-stabilized units; and



**Whereas,** A stabilized unit can be removed from rent stabilization when the rent reaches \$2,700 per month upon vacancy or when the household income exceeds \$200,000 for two consecutive years; and

**Whereas,** A property owner can increase the rent of a rent stabilized unit by 18 percent for a one year lease and 20 percent for a two year lease each time such unit becomes vacant (the "vacancy bonus"); and

**Whereas,** The vacancy bonus has resulted in the removal of apartments from the rent stabilization system; and

**Whereas,** S.1593, introduced by State Senator Serrano and pending in the New York State Senate, and companion bill A.9815, introduced by Assembly Member Pichardo and pending in the New York State Assembly, would repeal the vacancy bonus; and

**Whereas,** Enacting this law will help preserve affordable housing for low and middle income families in New York City; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.1593/A.9815, in relation to repealing the vacancy bonus.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 878

By Council Members Cornegy, Cumbo, Koslowitz, Powers, Rivera and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring lactation rooms in certain city spaces**

*Be it enacted by the Council as follows:*

Section 1. Section 17-199.1 of the administrative code of the city of New York, as amended by local law 94 for the year 2016, is amended to read as follows:

§ 17-199.1 Lactation rooms. a. Definitions. For the purposes of this section, "lactation room" means a sanitary place that is not a restroom that can be used to breastfeed or express milk in private, and which includes an electrical outlet, a chair, and nearby access to running water. "*School building*" means any facility that is leased by the department of education or over which the department of education has care, custody and control, in which there is a public school, including but not limited to, a charter school.

b. Every job center, SNAP center, or medical assistance program center of the department of social services/human resources administration; city-owned borough office of the administration for children's services and the Nicholas Scoppetta children's center; *city jail operated by the department of correction that accepts visitors; city jail operated by the department of correction that houses females; school building; precinct operated by the police department of the city of New York;* and health center operated or maintained by the department shall, where practicable, make at least one lactation room available upon request to an individual utilizing on-site services. The presence of such a lactation room shall not abrogate such an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.

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

Referred to the Committee on Women.

Int. No. 879

By Council Members Cumbo, Cornegy, Rosenthal, Chin, Rivera, Rose, Ayala, Ampry-Samuel, Koslowitz and Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation spaces**

*Be it enacted by the Council as follows:*

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 31 to read as follows:

*31. Employer Lactation Accommodation (a) Definitions. When used in this subdivision, the following terms have the following meanings:*

*Employer. The term "employer" has the same meaning as such term is defined in section 8-102 of this chapter, provided, however, that when used in this subdivision, the term "employer" shall only include any employer with 15 or more employees.*

*Lactation space. The term "lactation space" means a sanitary place that is not a restroom that can be used to breastfeed or express milk shielded from view and free from intrusion by coworkers and the public and which includes at minimum an electrical outlet, a chair, a surface to place a breast pump and other personal items and nearby access to running water.*

*(b) Lactation accommodation. An employer shall, upon request by an employee, provide the following to accommodate an employee desiring to express breast milk:*

*(1) A lactation space in reasonable proximity to the employee's work area.*

*(2) A refrigerator in reasonable proximity to the employee's work area suitable for breast milk storage.*

*(c) If a space designated by an employer to serve as a lactation space is also used for another purpose, the primary function of the space shall be as a lactation space during the duration of an employee's need to express milk. During the period when the space is being used as a lactation space and also for other purposes, the employer shall provide notice to other employees that the primary use of the space is a lactation space, which takes precedence over other uses.*

*(d) Where more than one employer is located in the same building and the employer cannot satisfy the requirements of paragraph (b) of this subdivision by providing a lactation space within the employer's workspace, the employer may fulfill the obligations of paragraph (b) of this subdivision by providing a lactation space that is shared by multiple employers, provided that it is sufficient to accommodate the number of employees who desire to use it at any given time.*

*(e) An employer is exempt from the requirements of this section if such employer shows that such requirements would impose an undue hardship by causing such employer significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of such employer's business.*

*(f) The presence of a lactation space pursuant to this subdivision does not affect an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.*

§ 2. This local law takes effect on the same effective date as section 3 of local law 63 for the year 2018, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Women.

Int. No. 880

By Council Members Deutsch, Vallone, Holden and Ampry-Samuel.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to security cameras in New York city public schools.**

*Be it enacted by the Council as follows:*

Section 1. Section 528 of the New York city charter is REPEALED.

§2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*CHAPTER 21  
SCHOOL SECURITY*

*§21-989. Security cameras in New York city public schools. a. The department shall install security cameras at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the police department, deems such cameras appropriate for security purposes. Such cameras may be placed at the entrance and exit doors of each school and in any area of the school where individuals do not have a reasonable expectation of privacy, and may be remotely accessible from outside of the school building. The number, type, placement, and location of such cameras within each school shall be at the discretion of the department, in consultation with the principal of each school and the police department.*

*b. By January 31, 2019, and annually thereafter on or before January 31, the department, in consultation with the police department, shall submit a report to the speaker of the council on security cameras in public schools, including, but not be limited to, a summary of the current use of security cameras in school buildings, and an assessment of best practices related to the installation and use of security cameras in school buildings, including evaluating policies related to access to video footage recording by security cameras located in school buildings.*

§3. This local law takes effect immediately after it becomes law.

Referred to the Committee on Education.

Int. No. 881

By Council Members Dromm and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to education and outreach regarding childhood lead poisoning prevention**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended to add a new section 17-186.1 to read as follows:

*§ 17-186.1 Education and outreach regarding childhood lead poisoning prevention. a. The department shall establish and implement an education and outreach program to increase awareness of childhood lead poisoning prevention. Such education and outreach program shall at a minimum include the following information:*

- 1. Health effects of lead poisoning in children and pregnant women;*
- 2. Major sources of lead exposure for children;*
- 3. Ways to prevent lead exposure and to address lead hazards;*
- 4. Importance of lead screening and blood lead testing requirements for children and pregnant women; and*
- 5. Requirements related to inspection and remediation of lead hazards in certain housing and facilities.*

*b. The education and outreach program required by subdivision a of this section shall include linguistically and culturally competent education and outreach tailored to limited English proficient individuals and specific immigrant populations. To meet such requirement, the department, in consultation with the mayor's office of immigrant affairs, shall identify and implement measures including but not limited to production of educational materials, language assistance tools, community outreach and advertisements in multiple languages in subway trains, buses and other public transportation.*

*c. Any educational materials produced pursuant to subdivision b of this section shall be made available on the department's website and submitted to the commissioner of the mayor's office of immigrant affairs. The educational materials made available on the department's website pursuant to this subdivision shall be made available in English; in the six languages most commonly spoken by limited English proficient individuals in the*

*city as determined by the department of city planning; and in any other languages deemed appropriate by the commissioner.*

*d. No later than December 31, 2019, and no later than every December 31 thereafter, the department shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the implementation and efficacy of the education and outreach program required by subdivision a of this section. The reports required pursuant to this section shall remain permanently accessible on the department's website.*

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

Referred to the Committee on Health.

Int. No. 882

By Council Member Dromm (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to a commercial rent tax credit**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 11-704.4 of the administrative code of the city of New York, as amended by local law number 256 for the year 2017, is amended to read as follows:

b. Beginning on [July] *June* 1, 2018 and for each tax year beginning thereafter, a credit shall be allowed against the tax imposed by this chapter as follows: a tenant whose small business tax credit base rent is at least two hundred and fifty thousand dollars but not more than five hundred and fifty thousand dollars shall be allowed a credit in the amount determined by multiplying the tax imposed on the tenant pursuant to section 11-702 minus any allowable credits or exemptions set forth outside this section by the income factor and by the rent factor. If the tenant's small business tax credit base rent is over five hundred and fifty thousand dollars, no credit shall be allowed under this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Preconsidered Res. No. 333

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 6, 2017 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2018 with various programs and initiatives (the "Fiscal 2018 Expense Budget"); and

**Whereas**, On June 14, 2016 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2017 with various programs and initiatives (the "Fiscal 2017 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 and Fiscal 2017 Expense Budgets by approving new Description/Scope of Services for certain

organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Food Pantries Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of a certain organizations receiving funding pursuant to the End the Epidemic Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be It further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2018, as set forth in Chart 13.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 333 printed in these Minutes).

Res. No. 334

**Resolution calling upon the United States Congress to reintroduce and pass, and for the President to sign the LGBT Data Inclusion Act.**

By Council Members Dromm and Koslowitz.

**Whereas,** The 2011 National Transgender Discrimination Survey of 6,450 transgender and gender non-conforming people showed that transgender people experience unemployment, homelessness, harassment and barriers to health care related to their transgender identities at much higher rates than the general population; and

**Whereas,** 41 percent of respondents to the 2011 National Transgender Discrimination Survey reported having attempted suicide; and

**Whereas,** In a 2009 Lambda Legal survey of 4,916 people nationwide, 55 percent of lesbian, gay or bisexual respondents and 70 percent of transgender and gender-nonconforming respondents reported experiencing discrimination in medical care, ranging from refusal of medical services to harassment or physical abuse; and

**Whereas,** A 2016 study by the UCLA School of Law's Williams Institute found that lesbian, gay, bisexual and transgender (LGBT) adults experience food insecurity at nearly double the rate of non-LGBT adults; and

**Whereas,** The targeting of policy decisions and the allocation of public services necessary to address these problems rely on accurate demographic data; and

**Whereas,** According to the Williams Institute, demographic data regarding sexual orientation and gender identity is not currently collected as part of any federal population survey; and

**Whereas,** In recent years, academic institutions and polling organizations have reached different conclusions when attempting to estimate the percent of U.S. adults who identify as lesbian, gay, bisexual or transgender; and

**Whereas,** In recognition of these facts, in October 2016 the City enacted Local Law 128, requiring city agencies that collect demographic data in connection with the provision of social services include in their demographic data collection the option to anonymously and voluntarily complete a survey regarding sexual orientation and gender identity; and

**Whereas,** In May 2016, Representative Raúl Grijalva of Arizona introduced the LGBT Data Inclusion Act, H.R. 5373, and in July 2016 Senator Tammy Baldwin of Wisconsin introduced companion bill S. 3134, both of which would have required federal population surveys to collect confidential, "voluntary, self-disclosed information on sexual orientation and gender identity"; and

**Whereas,** No further action was taken on either bill and, to date, neither has been reintroduced; and

**Whereas,** Federal population surveys are more comprehensive in scope than any survey the City is able to provide; and

**Whereas,** The LGBT Data Inclusion Act therefore would have furthered the City's intent in enacting Local Law 128 of gathering accurate demographic data and improving the City's delivery of services to residents; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to reintroduce and pass, and for the President to sign, the LGBT Data Inclusion Act.

Referred to the Committee on General Welfare.

Res. No. 335

**Resolution calling upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.5313/S.4054, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait.**

By Council Members Dromm, Ampry-Samuel, Van Bramer, Miller, Levine, Rivera, Richards, Constantinides and Ayala.

**Whereas,** Sickle cell disease (SCD) affects approximately 100,000 Americans and is most common in those with African, Hispanic, Mediterranean and Middle Eastern ancestry; and

**Whereas**, Nationally, SCD occurs in approximately 1:365 Black or African American births, 1:16,300 Hispanic births and 1:80,000 White births, according to the Centers for Disease Control and Prevention (CDC); and

**Whereas**, In New York State (NYS) SCD occurs in 1:230 live births to non-Hispanic Black mothers, 1:2,320 births to Hispanic mothers and 1:41,647 to non-Hispanic White mothers; and

**Whereas**, In NYS, 1:1,146 live births have SCD, with 86% of NYS sickle cell disease births among babies with Black mothers and 12% with Hispanic mothers; and

**Whereas**, Higher birth rates for SCD occur in mothers who were born outside of the US; and

**Whereas**, In NYS, approximately 70% of all newborns with SCD were born in the NYC area; and

**Whereas**, Persons with sickle cell trait (SCT) are carriers of the sickle cell gene who have inherited the normal hemoglobin gene from one parent and the sickle cell gene from the other parent; and

**Whereas**, Approximately 3 million Americans have SCT; and

**Whereas**, When both parents have SCT there is a 1 in 4 chance with each pregnancy that the child will be born with SCD; and

**Whereas**, Most people with SCT do not have any symptoms of SCD, however, in rare cases, people with SCT might experience complications of SCD; and

**Whereas**, The CDC states that SCD is a major public health concern; and

**Whereas**, Those with SCD may exhibit complications in all parts of the body; and

**Whereas**, This includes, but is not limited to, severe pain episodes, entrapment of blood within the spleen, severe anemia, acute lung complications (acute chest syndrome), stroke, priapism in males and other life-threatening conditions; and

**Whereas**, These life-threatening complications can develop rapidly, especially stroke and infections of the blood and brain; and

**Whereas**, Stroke can be either silent (no overt symptoms) or clinical (with symptoms); and

**Whereas**, Silent strokes occur in up to 35% of children with sickle cell anemia and clinically overt strokes occur in approximately 10% of children with sickle cell anemia, often causing cognitive impairments; and

**Whereas**, SCD is a cumulative disease with worsening complications and damage of organs, including lungs, heart and kidneys, as patients get older; and

**Whereas**, In addition, with the toll of the disease on patients, particularly to their brain, mental health issues can significantly impact the SCD patient and family; and

**Whereas**, As a complex disease with multisystem manifestations, SCD requires specialized, comprehensive and continuous care to achieve the best possible outcomes; and

**Whereas**, Newborn screening, genetic counseling and education of patients, family members, schools and health care providers are critical preventative measures; and

**Whereas**, Early detection can decrease morbidity, and holistic care reduces emergency room visits and in-patient hospital stays, decreasing overall costs of care; and

**Whereas**, Community-based organizations provide a valuable service in educating their communities about sickle cell disease and trait and, because they act as a bridge between the treatment centers and the community, should be included in any program to improve care to the community; and

**Whereas**, While SCD patients receiving regular care have improved clinical outcomes, many young adults transitioning out of pediatrics struggle to maintain their care; and

**Whereas**, A.5313/S.4054, sponsored by Senator James Sanders Jr. and Assembly Member Alicia Hyndman, would create eight regional prevention and treatment of SCD demonstration programs throughout NYS; and

**Whereas**, Over five years, the demonstration programs would coordinate service delivery, provide genetic counseling, conduct community outreach, promote mental health services and train health professionals; and

**Whereas**, A.5313/S.4054 would also create one statewide coordinating center to provide education and assistance to each program, establish statewide goals for standards of care, collect data and monitor progress; and

**Whereas**, A.5313/S.4054 would improve the quality of care for SCD patients, increase the average life expectancy for SCD patients, decrease the cost of care of sickle cell disease patients and educate communities about SCT and SCD; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and fully fund, and the Governor to sign, A.5313/S.4054, legislation that would establish eight demonstration programs throughout New York State and one coordinating center to improve the care of sickle cell disease patients and educate about sickle cell trait.

Referred to the Committee on Health.

Int. No. 883

By Council Members Espinal and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to provide customer service training**

*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 21-322 to read as follows:

§ 21-322 *Customer service training.* a. *Definitions.* For the purposes of this section, the term “shelter” means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.

b. *The department shall conduct two trainings per year on best practices for improving interactions between department personnel and shelter residents.*

c. *Such training shall include techniques to improve professionalism, increase cultural sensitivity, implement a trauma-informed approach to interactions with shelter residents, and de-escalate conflict.*

d. *The department shall provide this training to all department employees, and all employees of a provider under contract or similar agreement with the department, who have direct contact with shelter residents.*

§ 2. This local law takes effect 120 days after its enactment, except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on General Welfare.

Int. No. 884

By Council Members Espinal and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to report on short notice resident transfers in shelter**

*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 21-322 to read as follows:

§ 21-322 *Reporting short notice resident transfers in shelter.* a. *Definitions.* For the purposes of this section, the term “shelter” means a building, or individual units within a building, being utilized by the department or a provider under contract or similar agreement with the department to provide temporary emergency housing.

b. *Not later than January 1, 2019, and no later than the first day of each month thereafter, the department shall submit to the speaker of the council and post online a report including but not limited to, the total number of homeless families and homeless individuals living in shelter who are transferred to a different shelter with 72*



*hours or less notice to such individuals and families, disaggregated by the reason for the transfer, including but not limited to, safety reasons or at the residents' request.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 885

By Council Member Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to facilitating food scraps donations**

*Be it enacted by the Council as follows:*

Section 1. Section 16-497 the administrative code of the city of New York is amended to read as follows:

§ 16-497 Food web portal. Within eighteen months after the effective date of the local law that added this section, the department or another agency or office designated by the mayor, shall, in conjunction with the department of information technology and telecommunications, create or modify and maintain a web portal that will allow prospective food donors and recipients, including but not limited to restaurants, grocery stores, produce markets, dining facilities and food rescue organizations, to post notifications concerning the availability of food *or food scraps*, including food that would otherwise go to waste, and to arrange for the transportation or retrieval of such food. Such portal shall, at a minimum, allow (i) a prospective food donor to describe the type and amount of food available, including any information necessary to keep the food safe for human consumption, such as refrigeration requirements, as well as other information necessary to facilitate its donation, (ii) a prospective food recipient to specify the type and amount of food donations it will accept and the areas of the city from which it will accept donations and to receive prompt notification concerning the availability of food satisfying such specifications, and (iii) a prospective food donor and a prospective food recipient to communicate directly through a messaging system within such portal.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 886

By Council Members Espinal, Levin, Cornegy, Torres, Moya, Constantinides, Levine, Reynoso, Ayala, Powers, Holden, Grodenchik, Koslowitz, Miller and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing pet harbors to be placed on sidewalks in front of commercial establishments**

*Be it enacted by the Council as follows:*

Section 1. Section 19-136 of the administrative code of the city of New York is amended to add a new subdivision k to read as follows:

*k. Pet harbors. 1. For purposes of this subdivision, the term "pet harbor" means an enclosed stationary self-service stand that allows owners to leave their pets unattended, in a safe enclosure for a short period of time.*

*2. Notwithstanding any inconsistent provision of this section, a pet harbor may be placed on a sidewalk adjacent to any commercial establishment, including those located on particular streets or in particular locations enumerated in paragraphs five through twenty-eight of subdivision a of this section and any particular*

*streets or locations added to subdivision a of this section by local law on or after January 16, 1996, provided that (i) no portion of a pet harbor shall extend further than 3 feet from the building line; (ii) a width of at least nine and one-half feet is maintained on the sidewalk in front of a pet harbor without obstructing pedestrian movement; (iii) a pet harbor shall not be bolted to the sidewalk or chained to a lamppost or other street furniture; (iv) a pet harbor shall be removed from its location on a sidewalk adjacent to a commercial establishment between the hours of 11:00 p.m. and 7:00 a.m. on every day of the week, including Sundays and holidays; and (v) a pet harbor is in compliance with any other law and with any rules promulgated by the commissioner for purposes of protecting the health, safety, convenience and welfare, and to safeguard the interests of the city.*

*3. No more than two pet harbors may be placed in front of any commercial establishment.*

*4. If a pet harbor is placed on the sidewalk in violation of the provisions of this subdivision, any authorized officer or employee of the department or the department of consumer affairs, or member of the police department, is authorized to provide for the removal of such pet harbor to any garage, automobile pound or other place of safety, and such pet harbor may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such pet harbor may be charged with reasonable costs for removal and storage payable prior to the release of such pet harbor; provided, however, that a pet harbor that is not claimed within thirty days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed pet harbor may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.*

*5. The provisions of subdivision e of this section and sections 19-149, 19-150 and 19-151 of this subchapter shall apply to pet harbors placed on sidewalks.*

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

Referred to the Committee on Transportation.

Int. No. 887

By Council Members Gjonaj, Moya, Cumbo, Holden, Koslowitz, Deutsch, Espinal, Salamanca, Diaz, Koo and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to providing notice and an opportunity for comment before implementing a major traffic change**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.7 to read as follows:

§ 19-101.7 *Notice for major traffic changes. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Affected. The term "affected" means having the proposed major traffic change, in whole or in part, in the district of the applicable community board, council member, or business improvement district.*

*Major traffic change. The term "major traffic change" means any discretionary action taken by the department or any other agency that eliminates one or more lanes for the use of vehicular traffic or parking, for at least four hours per day for at least one week, along three or more consecutive blocks, or 500 consecutive feet of street, whichever is less. Any rule proposed or adopted pursuant to chapter 45 of the charter is not a major traffic change.*

*b. Notice requirement. Before implementing a major traffic change, the implementing agency shall provide a description of such project to the affected council member, community board and business improvement district by electronic mail. Such description shall include, at a minimum, the proposal's geographic limits, description and justification and a map showing the streets affected by such proposal.*

*c. Response. Any affected council member, community board, or business improvement district may submit recommendations or comments to the agency within 10 days of receiving notice pursuant to subdivision b.*

*d. Implementing changes. 1. The applicable agency shall consider recommendations or comments, if any, made pursuant to subdivision c prior to implementing such proposed major traffic change. If no recommendations or comments are received pursuant to subdivision c, the agency has no further obligations under this section with respect to such major traffic change.*

*2. Within 10 days of consideration pursuant to paragraph 1 of this subdivision, if any, the agency shall notify the affected council member, community board and business improvement district by electronic mail if it chooses to proceed with the original or amended proposal, along with a description of any amendments.*

*e. Exception. The provisions of this section do not apply to major traffic changes requiring immediate implementation to preserve public safety.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 888

By Council Members Kallos, the Public Advocate (Ms. James) and Miller

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for private-sector employees**

*Be it enacted by the Council as follows:*

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

**CHAPTER 14**  
**RETIREMENT SAVINGS PROGRAM FOR PRIVATE-SECTOR EMPLOYEES**

*§ 20-1401 Definitions.*

*§ 20-1403 Establishment of retirement savings program.*

*§ 20-1404 Certification required.*

*§ 20-1406 Elements of retirement savings program.*

*§ 20-1408 Covered employer obligations.*

*§ 20-1412 Covered employer record retention.*

*§ 20-1413 Enforcement.*

*§ 20-1401 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Account. The term “account” means an individual retirement savings account established pursuant to the retirement savings program.*

*Administrator. The term “administrator” means a person that has entered an agreement with the retirement savings board to implement and maintain a retirement savings program or components of such program. More than one person may perform the functions of the administrator, and duties applicable to the administrator also apply to persons with whom the administrator contracts to implement such program or components.*

*Board. The term “board” means the retirement savings board, as defined in this section.*

*Covered employer. The term “covered employer” means any entity, whether for profit or otherwise, with a physical location in the city where such entity (i) currently employs no fewer than 10 employees and has employed no fewer than 10 employees without interruption for the previous calendar year; (ii) has been in continuous operation for at least two years; (iii) has not offered, in the preceding two years, to its employees who satisfy the definition of “eligible employee” in this section, a retirement plan, as defined in this section; and (iv) has satisfied any other criteria established by the board necessary to prevent the termination of other retirement plans by covered employers.*

*Eligible employee.* The term “eligible employee” means any employee: (i) who is 18 years of age or older; (ii) who is employed either part-time or full-time for compensation in the city by a covered employer; and (iii) to whom a retirement plan has not been offered by the covered employer in the preceding two years.

*Participating employee.* The term “participating employee” means an eligible employee that is enrolled in the retirement savings program.

*Program.* The term “program” means the retirement savings program, as defined in this section.

*Retirement plan.* The term “retirement plan” means a qualified retirement plan under subsection (a) of section 401 of the internal revenue code, subsection (a) or (b) of section 403 of such code, or subsection (k) or (p) of section 408 of such code; or a savings incentive match plan for employees of small employers (SIMPLE IRA or SIMPLE 401(k)) plan; a simplified employee pension (SEP) plan; a salary reduction simplified employee pension (SARSEP) plan; a payroll deduction IRA (individual retirement account or individual retirement annuity) under subsection (a) or (b) of section 408 of the internal revenue code; or a Keogh plan.

*Retirement savings board.* The term “retirement savings board” means the retirement savings board established by section 20-1402.

*Retirement savings program.* The term “retirement savings program” means the retirement savings program established pursuant to section 20-1403, which may also be known as the “Savings Access New York Retirement Program.”

§ 20-1403 Establishment of retirement savings program. Subject to applicable federal and state law, the board shall establish a retirement savings program as set forth in this chapter, either directly or indirectly through agreement with an administrator. To the extent permitted by law, the agreement between the board and an administrator shall allow the administrator to perform any functions of the board. Such program shall be a defined contribution individual retirement account program. The board shall require the administrator to exercise the care that persons of prudence, discretion and intelligence exercise in the administration of the program established by this chapter, and may require the administrator to assume legal responsibility and liability pursuant to this chapter for functions to be performed by the administrator, provided, however, that nothing in this chapter shall be construed as limiting the city’s responsibility for the security of payroll deductions and employee savings under the program to the extent that assumption of such responsibility is required to ensure that the program is not an “employee pension benefit plan” or a “pension plan” for purposes of the employee retirement income security act of 1974.

§ 20-1404 Certification required. Notwithstanding any inconsistent provision of this chapter, the board shall not establish a retirement savings program under this chapter until both the director of management and budget and the corporation counsel have jointly certified to the following:

a. The program is within the scope of a regulatory exemption defining the coverage of the terms “employee pension benefit plan” and “pension plan” established by a regulation of the United States department of labor pursuant to title I of the employee retirement income security act of 1974, or would fall within such scope with variations not inconsistent with the overall purpose and policy of this chapter; and

b. Establishment and implementation of such program would not create additional material monetary liability or obligation for, or an enforceable guarantee by, the city or its agencies, officers or employees, except to the extent that assumption of such liability is required to ensure that the program is not an “employee pension benefit plan” or a “pension plan” for purposes of the employee retirement income security act of 1974.

§ 20-1406 Elements of the retirement savings program. Subject to applicable federal and state law and except as otherwise provided in this chapter, the retirement savings program shall include all of the following elements. The program shall:

a. Allow eligible employees to contribute to an account established under the retirement savings program through payroll deduction or any other method of contribution established by the retirement savings board.

b. Apply to all covered employers.

c. Require a covered employer to offer its eligible employees the opportunity to contribute to accounts established by the program through payroll deduction or any other method of contribution established by the retirement savings board, unless such covered employer offers all of its eligible employees a retirement plan.

d. Provide for the automatic enrollment of eligible employees and allow such employees to opt out of the program.

e. Establish a default contribution rate of three percent of an eligible employee’s income, subject to any escalation or reduction of such rate authorized by the board pursuant to subdivision i of section 20-1405.

*f. Permit an eligible or participating employee to change his or her contribution rate or discontinue making contributions.*

*g. Provide that individual retirement accounts established pursuant to this chapter are by default Roth IRAs as defined in section 408A of the internal revenue code but shall allow participating employees to, upon request, opt in to individual retirement accounts, as defined in subsection (a) of section 408 of the internal revenue code.*

*h. Include (i) a default option for the placement by the program of eligible employees' initial contributions to the retirement savings program in escrow for a fixed short-term time frame to allow such employees to opt out of the program without incurring withdrawal penalties on those initial contributions, and (ii) an option to opt out of such escrow arrangement.*

*i. Include a process for withdrawals by, and disbursements to, participating employees and provide such employees options including lump-sum or annuitized payments.*

*j. Establish a default investment plan based on target dates while allowing eligible and participating employees to select investment plans from other options provided by the board.*

*k. Take measures to protect the confidentiality of account and participating employee information.*

*l. Provide that employers shall not contribute to accounts of employees.*

*m. Maintain, or require the maintenance of, separate records and accounting for each account established pursuant to this chapter.*

*n. Provide for reports on the status of accounts to be given to participating employees no less than once per year and upon request of any participating employee.*

*o. Allow previously eligible employees to maintain account savings or to roll over funds into other retirement accounts.*

*p. Allow participating employees to terminate participation in the program and withdraw all or part of the balances in their accounts, subject to possible penalties and limitations established by federal law.*

*q. Provide that the city and covered employers have no proprietary interest in the contributions or earnings of money contributed to accounts established pursuant to this chapter.*

*r. Provide that amounts deposited in the retirement savings program shall not be commingled with funds belonging to or managed by the city.*

*s. Refrain from requiring any employer to perform any duty or offer any guarantee not otherwise authorized by this chapter. The board shall not establish any guarantee by, or duty on behalf of, the city except as otherwise required by law or authorized by this chapter.*

*t. Allocate administrative fees to individual retirement accounts in the program on a pro rata basis. To the extent practicable, all fees required for the administration of the retirement savings program shall be borne by participating employees or paid through funds received pursuant to subdivision h of section 20-1405.*

*u. Require an annual audit as described in section 20-1411, which shall be performed by an independent auditor.*

*§ 20-1408 Covered employer obligations. a. Except as provided in subdivision d of this section, a covered employer shall enroll each eligible employee who works for such covered employer in the retirement savings program by a date to be determined by the board.*

*b. A covered employer shall be required to remit funds deducted from the earnings of each participating employee for deposit in the retirement savings program on the earliest date on which such contributions can reasonably be segregated from a covered employer's general assets but in no event later than the last business day of the calendar month following the month in which such amounts would have otherwise been payable to the participating employee in cash. Notwithstanding the preceding sentence, if the board promulgates rules in accordance with subdivision h of section 20-1406, a covered employer shall remit funds in accordance with such rules.*

*c. A covered employer shall not be permitted to endorse or contribute to the program.*

*d. A covered employer shall be required to distribute to its employees program information provided by the board or the administrator and otherwise to allow the board to publicize the program to employees.*

*e. The retirement savings board may delay implementation of the employer obligation required by subdivision a of this section for covered employers, provided that such delay shall not exceed three years from the initial enrollment of eligible employees, and provided further, that such delay shall be based on the practicability of implementation using the following criteria:*

*1. The number of eligible employees;*

2. *The size of the covered employer; or*
3. *The sector or industry of the covered employer.*

*§ 20-1412 Covered employer record retention. Each covered employer shall retain annual records documenting such employer's compliance with the requirements of this chapter for a period of three years, unless otherwise required pursuant to any other law, rule or regulation, and shall allow the agency or agencies designated by the mayor pursuant to section 20-1402 to access such records upon request. In addition, such agency or agencies may require a covered employer to provide electronic or paper copies of records upon request.*

*§ 20-1413 Enforcement. a. The agency or agencies designated by the mayor pursuant to subdivision j of section 20-1402 shall enforce sections 20-1408 and 20-1412.*

*b. In undertaking such enforcement, such agency or agencies shall establish a procedure to allow individuals to submit complaints concerning non-compliance by covered employers with the provisions of this chapter.*

*c. After notice and an opportunity to be heard, a covered employer who violates subdivision a or b of section 20-1408 is liable for a civil penalty of \$250 per violation.*

*d. Each failure to comply with subdivision a or b of section 20-1408 with respect to each eligible employee of a covered employer constitutes a separate violation. Where failure to comply with subdivision a or b of section 20-1408 is ongoing, each two-week period of noncompliance constitutes a separate violation with respect to each affected eligible employee, except that a covered employer shall not be held liable for more than 26 weeks' worth of violations unless the prosecuting agency demonstrates that the covered employer had actual notice of the requirements of this chapter.*

*e. In addition to the penalties provided by subdivision c of this section, after notice and an opportunity to be heard a covered employer that violates section 20-1412 by failing to retain annual records is liable for a civil penalty of \$100 for each employee for which such covered employer has failed to retain annual records. A covered employer that violates section 20-1412 by preventing the agency or agencies designated by the mayor pursuant to section 20-1402 to access records for which access is required under section 20-1412 is liable for a civil penalty of \$1,000 for each such violation.*

*f. The agency or agencies designated by the mayor pursuant to subdivision j of section 20-1402 may commence a proceeding to recover any civil penalty authorized by subdivision c or e of this section by filing a petition returnable to the office of administrative trials and hearings, which may impose the civil penalties prescribed by subdivisions c and e of this section. Such civil penalties may, in the alternative, be recovered in a civil action brought by the corporation counsel in a court of competent jurisdiction.*

*g. The corporation counsel may bring an action on behalf of the city to restrain or prevent any violation of this chapter or a continuation of any such violation.*

*h. Pursuant to a written request by an eligible employee, the corporation counsel may also bring an action on behalf of any eligible employee where such employee's covered employer has failed to enroll such employee or has failed to remit such employee's contributions in accordance with subdivision a or b of section 20-1408 to obtain any appropriate legal or equitable relief on behalf of such eligible employee in furtherance of the purposes of this chapter.*

*i. An eligible employee who has not made a request of the corporation counsel pursuant to subdivision h or who has made such a request upon which the corporation counsel has not acted after 90 days from receipt of such request or upon which the corporation counsel has declined to act, may bring an action in a court of competent jurisdiction for violation of subdivision a or b of section 20-1408 to obtain any appropriate legal or equitable relief in furtherance of the purposes of this chapter.*

*§ 2. This local law takes effect 180 days after it becomes law.*

Referred to the Committee on Civil Service and Labor.

## Preconsidered Res. No. 336

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.7623/S.840 and A9608B, in relation to authorizing ballot by mail, no excuse absentee ballot voting and early voting.**

By Council Members Kallos, Constantinides and Ayala.

**Whereas**, Popular sovereignty through voting is a foundational bedrock of our democracy; and

**Whereas**, All eligible New Yorkers deserve a reasonable opportunity to exercise their fundamental voting rights; and

**Whereas**, According to the United States Elections Project, New York State ranked 41<sup>st</sup> among states' voter turnout in the 2016 general election; and

**Whereas**, In the 2014 general election, only 20% of eligible voters in New York City voted, hitting a historic low, according to the New York City Campaign Finance Board; and

**Whereas**, A 2010 United States Census Bureau survey found that the most common reason cited by non-voters for not voting is a category defined as "No time off/too busy;" and

**Whereas**, A New York voter may only utilize their assigned polling location between 6:00 A.M. and 9:00 P.M. on a single weekday Election Day in order to exercise their right to vote; and

**Whereas**, The 15-hour window of opportunity to vote in New York potentially results in disenfranchisement due to unintended delays in opening poll sites, as occasionally happens locally, given the large number of poll sites in New York City; and

**Whereas**, Many states with high voter turnout rates have instituted various electoral reforms to increase participation, including permitting voters to cast absentee ballots without citing an excuse and implementing early voting; and

**Whereas**, Twenty-seven states and the District of Columbia currently allow any voter to vote via absentee ballot without offering an excuse, and three states have all-mail voting where ballots are automatically sent to every eligible voter, according to the National Conference of State Legislatures; and

**Whereas**, New York State voters may only vote by absentee ballot if they can affirm one of several reasons: absence from their county or New York City on Election Day, illness or disability, primary care taker responsibilities of someone ill or disabled, and detention in jail or prison; and

**Whereas**, Applying for an absentee ballot and falsely citing one of the qualifying reasons is a felony; and

**Whereas**, Many advocates for increased voter participation have supported removing these limitations on absentee voting, since potential voters often miss the opportunity to cast a ballot when the voting period is confined only to certain hours of one day; and

**Whereas**, New York State Assembly Member Clyde Vanel and New York State Senator Comrie introduced A.7623/S.840, amending section 2 of article 2 of the New York State Constitution to authorize ballot by mail, thereby removing cause for absentee ballot voting; and

**Whereas**, Establishing no-excuse absentee voting in New York State would increase voter participation by allowing all voters the option to vote from home at a time convenient to them; and

**Whereas**, Another means to improve voter turnout is by offering early voting; and

**Whereas**, In the 2016 general election more than 33% of voters nationwide cast their ballot before Election Day; and

**Whereas**, Only 13 states, including New York, do not offer in-person early voting; and

**Whereas**, A New York voter may only vote prior to Election Day by absentee ballot if such voter affirms that they have an acceptable reason for being unable to physically visit their assigned polling site during the entire single Election Day; and

**Whereas**, Allowing voters more than a single day to vote would further accommodate those who are physically unable to vote on Election Day and reduce conflicts between voting and job, family, or care-giving responsibilities; and

**Whereas**, Early voting better distributes the systemic pressure placed on election administration by reducing the effects of high-impact voting disruptions such as severe weather events, broken machines, impaired poll site access, and common voter suppression tactics; and

**Whereas**, New York State Assembly Member Lavine introduced A9608B, which would provide registered voters with seven days of early voting; and

**Whereas**, Whereas, Implementing Board of Elections safeguards would prevent early voters from casting multiple ballots in the same election; and

**Whereas**, Whereas, Only 57.3% of eligible New York State voters cast a ballot in the 2016 general election, near the bottom of the turnout rate for all states; and

**Whereas**, Some have attributed New York's low voter turnout to the State's lack of an alternative to single day, in-person voting; 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.7623/S.840 and A9608B, in relation to authorizing ballot by mail, no excuse absentee ballot voting and early voting.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 337

**Resolution by the Council of the City of New York ratifying Council action in *Council et al., v. Carter*, New York Supreme Court, Index No. 153498/2018 (Verified Petition filed April 17, 2018), a lawsuit filed to preserve the separation of powers enshrined in the City Charter and Council Members' free speech rights to express their policy positions by filing amicus briefs.**

By Council Member Koslowitz.

**Whereas**, The Council of the City of New York ( the "Council") is a 51-member independent legislative body elected by the residents of New York City that is committed to protecting the freedom of its members to advocate for various policy positions in their official capacities without interference from the executive branch; and,

**Whereas**, Council Members have filed amicus briefs for decades without interference from the executive branch; and,

**Whereas**, In November 2017, in response to the bi-partisan motion of five Council Members for leave to appear as *amici curiae* in *Tax Equity Now NY LLC v. City of New York, et al.*, Index No. 153759/2017 (Sup. Ct. N.Y. Cnty.), the Corporation Counsel, who is appointed by and serves at the pleasure of the Mayor, argued that the Council Members should not be permitted to file a brief, asserting that "there is no authority" for Council Members to "appear through a private attorney in their representative capacities" to file *amicus* briefs; and,

**Whereas**, A Notice of Appeal was filed in *Tax Equity Now* preserving the right to challenge the court's decision concerning the *amicus curiae* participation of Council Members; and,

**Whereas**, The Corporation Counsel has sought to silence the voices of Council Members by taking the position that Council Members may not appear through outside counsel and yet has refused to represent Council Members when they have requested representation as *amici*, for example, the requests of Council Members Ritchie Torres, Alicka Ampry-Samuel, and Laurie Cumbo in *City-Wide Council of Presidents v. New York City Hous. Auth.*, Index No. 100283/2018 (Sup. Ct. N.Y.Cnty.); and,

**Whereas**, The Corporation Counsel's effort to prohibit Council Members from filing *amicus* briefs in their representative capacities is a serious affront to the separation of powers, the integrity of the legislative branch, and the First Amendment of the United States Constitution and Article I Sections 8 and 9 of the New York State Constitution; and,

**Whereas**, On April 17, 2018, the Council, under the authorization of Speaker Corey Johnson, alongside Council Members Laurie Cumbo, Alicka Ampry-Samuel, and Ritchie Torres, filed a lawsuit challenging the Corporation Counsel's denial of their requests for representation in *City-Wide Council of Presidents v. New York City Hous. Auth.* and seeking a declaration that Council Members have a right under the separation of powers



doctrine, the First Amendment, and the New York State Constitution to retain outside counsel for purposes of filing *amicus* briefs in their official capacities; now, therefore, be it

**Resolved**, That the Council of the City of New York ratifies Council action in *Council et al., v. Carter*, New York Supreme Court, Index No. 153498/2018 (Verified Petition filed April 17, 2018), a lawsuit filed to preserve the separation of powers enshrined in the City Charter and Council Members' free speech rights to express their policy positions by filing *amicus* briefs.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 889

By Council Members Lancman and Espinal

**A Local Law to amend the administrative code of the city of New York, in relation to the availability of automated teller machines in courthouses**

*Be it enacted by the Council as follows:*

Section 1. Section 9-301 of the administrative code of the city of New York, as amended by local law 23 for the year 2018, is amended by adding a new definition of "arraignment" in alphabetical order to read as follows:

*Arraignment. The term "arraignment" means an arraignment conducted pursuant to title H of the criminal procedure law.*

§ 2. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

*§ 9-307 Availability of automated teller machines in courthouses. a. The office shall make reasonable efforts to work with the office of court administration to secure installation of automated teller machines in all courthouses in the city of New York where arraignments are conducted and to ensure that:*

*1. Such automated teller machines are in close proximity to bail payment windows or the courtrooms where arraignments are conducted.*

*2. Such automated teller machines are accessible to the public at all times that arraignments are conducted.*

*3. There are signs conspicuously posted adjacent to such automated teller machines that provide a phone number to call if the automated teller machine ceases to work.*

*b. No later than March 31 of each calendar year, the office shall submit to the council, and post on its website, a report on the availability of automated teller machines in courthouses in the city of New York where arraignments are conducted. The report shall include:*

*1. The number of such courthouses that do and do not have automated teller machines.*

*2. In such courthouses that have automated teller machines, the proximity of such automated teller machines to bail payment windows and the courtrooms where arraignments are conducted, the days and times that such automated teller machines are accessible to the public and whether such days and times include all times that arraignments are conducted.*

*3. The presence or absence of signs adjacent to such automated teller machines that provide a phone number to call if the automated teller machine ceases to work.*

*4. The office's efforts in the prior calendar year to work with the office of court administration to secure the installation of automated teller machines in all such courthouses.*

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Justice System.

## Preconsidered Int. No. 890

By Council Members Lander, Constantinides and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to setting minimum prices for for-hire vehicle driver services and setting rates of fare for for-hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code is amended by adding a new section 19-548 to read as follows:

*§ 19-548 For-hire vehicle driver service prices and rates of fare. a. The commission shall set minimum prices for services provided by for-hire vehicle drivers who are independent contractors. Such prices shall ensure that for-hire vehicle driver hourly income is no lower than taxicab driver hourly income as determined over the previous five-year period and shall ensure that for-hire vehicle driver hourly income is no less than the minimum wage for large employers in New York city, as established by paragraph (a) of subdivision 1 of section 652 of the labor law, after subtracting for-hire vehicle driver expenses of operation.*

*b. The commission may set minimum rates of fare for for-hire vehicles.*

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

Referred to the Committee on For-Hire Vehicles (preconsidered but laid over by the Committee on For-Hire Vehicles).

## Int. No. 891

By Council Members Levin and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to lead-based paint hazards in certain dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

*§ 27-2056.1 Usage of term “multiple dwelling” in this article. For the purposes of this article, the term “multiple dwelling” includes a private dwelling where each dwelling unit within such dwelling is occupied by persons other than the owner of such dwelling or such owner’s family.*

§ 2. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

*§ 27-2056.3.1 Owners’ responsibility with respect to lead paint in a private dwelling being sold. a. For a dwelling unit in a private dwelling erected before January 1, 1960, that is being sold on or after one year after the effective date of the local law that added this section, other than such a unit that is being sold by a person to a member of such person’s family, either (i) the seller shall comply with subdivision b of this section for such unit before execution of such sale or (ii) the purchaser shall, within one year after the execution of such sale, comply with subdivision b of this section where the contract for sale between the seller and purchaser provides for same.*

*b. The person required pursuant to subdivision a of this section to comply with this subdivision shall ensure that such unit is free of lead-based paint in the time frame required by subdivision a of this section and shall, in such time frame, certify to the department that:*

1. Such unit was investigated (i) by a lead-based paint inspector or risk assessor certified pursuant to subparts L and Q of part 745 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this subdivision, and (ii) in accordance with either subdivision b of section 745.227 of such title or chapter 7 of the United States department of housing and urban development's guidelines for evaluation and control of lead-based paint hazards in housing, as in effect on the effective date of the local law that added this subdivision, provided that if such regulations or guidelines are updated after such effective date, the department may by rule adopt requirements consistent with such updated regulations and guidelines; and

2. Such unit is free of lead-based paint, or, such inspector or risk assessor has made a determination that, as a result of a substantial alteration of such unit, lead-based paint on each surface and component in such unit has been contained by encapsulation so that each surface tested is negative for lead-based paint, or other such methods that would abate the presence of lead in such unit if such methods are designed and performed so as to be permanent.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 892

By Council Members Levine, Constantinides, Van Bramer and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to testing for lead content in potable water sources in parks**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 *Lead water testing.* a. All water supplied for drinking or cooking purposes at a park, playground or other facility under the jurisdiction of the commissioner shall have lead levels below a water lead action level established by rule of the department of health and mental hygiene.

b. In each park, playground and other facility under the jurisdiction of the commissioner, the department, in conjunction with the department of environmental protection and the department of health and mental hygiene, shall:

1. Except as provided in subdivision c of this section, (i) at least once in each year cause a sample of water from each water fountain, faucet or other fixture that supplies water for drinking or cooking purposes to be analyzed for lead by a laboratory certified by the United States environmental protection agency, or a state agency of appropriate jurisdiction, to analyze water samples for lead, (ii) provide a copy of the results of such analysis to the department of health and mental hygiene and (iii) make a copy of the results of such analysis publicly available online; or

2. (i) Install, and thereafter maintain and replace in accordance with manufacturer specifications, water filtration or treatment systems that will reduce lead concentrations in water supplied for drinking or cooking purposes at such facility and that have been certified by NSF International, or another certifying body designated by rule of the department of health and mental hygiene, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as such department may adopt by rule or (ii) otherwise provide occupants of such facility with an adequate supply of safe, water for drinking and cooking purposes in accordance with rules promulgated by such department.

c. 1. For a park, playground or facility for which the piping system providing water for drinking or cooking purposes was installed before June 19, 1988, the department may only elect to comply with paragraph 1 of

*subdivision b of this section for such facility if the department of health and mental hygiene has authorized such election for such facility based upon a showing by the department that (i) a person performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes at such facility to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section and (iv) a copy of such application was made publicly available online.*

*2. The department of health and mental hygiene may reduce the frequency of sampling for a park, playground or other facility under paragraph 1 of subdivision b of this section from once in each year to once in every three years upon submission by the department of an application showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established under subdivision a of this section.*

*d. If a test that is required by law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that water supplied for drinking or cooking at a park, playground or other facility under the jurisdiction of the commissioner has a lead level at or above the water lead action level established under subdivision a of this section, the department shall:*

*1. Notify the department of health and mental hygiene; and*

*2. Comply with paragraph 1 of subdivision b of this section, except that a water filtration or treatment system installed pursuant to such paragraph need not thereafter be replaced in accordance with such paragraph if the department submits to the department of health and mental hygiene, a certification showing that (i) a sample of water was obtained from each fixture in such facility that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the installation of such system but did not include water that passed through such system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicated that the lead level for each such sample is below the water lead action levels established under subdivision a of this section, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was made publicly available online.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation and the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 893

By Council Members Matteo, Vallone, Moya, Cornegy, Kallos, Koo, Chin, Powers, Rose, Holden, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review the optimal security presence at schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 2 to read as follows:

*2. staffing and assigned posts of safety officials inside and outside of schools, including but not limited to school safety agents, other department personnel, and department of education personnel;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 894

By Council Members Menchaca, Vallone, Holden, Koslowitz, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rose, Rivera, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review emergency preparedness training for school personnel**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 5 to read as follows:

*5. level of training of department of education personnel on safety protocols and procedures;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 895

By Council Members Miller and King (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of transportation**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 94 for the year 2015, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of [twenty-three] *twenty-six* years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of [twenty-three] *twenty-six* years, whichever comes first, shall be afforded the right to health

insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of [twenty-three] *twenty-six* years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division *or the bridges division* of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, *or on or after April 3, 2018 and before April 5, 2018*; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

§ 2. This local law takes effect immediately and shall be retroactive to and deemed to have been in full force and effect on and after April 4, 2018.

Referred to the Committee on Civil Service and Labor.

## Int. No. 896

By Council Members Miller, Adams, Richards and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding and increasing penalties for drivers who flee TLC enforcement agents**

*Be it enacted by the Council as follows:*

Section 1. Subdivision l of section 19-506 of the administrative code of the city of New York is amended to read as follows:

l. A person is guilty of unlawful fleeing a New York city taxi and limousine enforcement officer or police officer when, knowing that he or she has been directed to remain stopped by a New York city taxi and limousine enforcement officer or police officer, the driver of a vehicle operating pursuant to a [HAIL] license issued by the commission [who is stopped in a zone where he or she is not permitted to pick up street hails] thereafter attempts to flee such officer by setting the vehicle in motion and either travels over three hundred feet without stopping or engages in conduct constituting reckless driving as defined in section twelve hundred twelve of the vehicle and traffic law. Unlawful fleeing a New York city taxi and limousine enforcement officer or police officer is a misdemeanor punishable by a fine of not less than [seven hundred fifty dollars nor more than one thousand dollars] \$1,000 nor more than \$2,500, or by imprisonment of not more than ninety days or by both such fine and imprisonment. Notwithstanding any contrary provision of law, any charge alleging a violation of this subdivision shall be returnable before a court having jurisdiction over misdemeanors.

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

Referred to the Committee on For-Hire Vehicles.

## Int. No. 897

By Council Members Miller, Adams, Richards and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to commuter vans**

*Be it enacted by the Council as follows:*

Section 1. Subdivision j of section 19-504.2 of the administrative code of the city of New York is amended to read as follows:

j. (i) No application for authorization to operate a commuter van service shall be approved if the applicant has been found guilty of operating a commuter van service without authorization to operate such commuter van service two times within a six-month period prior to the date of application, provided that such violations were committed on or after the date occurring six months after the effective date of this subdivision.

(ii) No application for authorization to operate a commuter van service shall be approved or renewed if the applicant fails to produce records that show that there are, at a minimum, the same number of licensed commuter van drivers employed by the company as there are registered commuter vans affiliated with such commuter van service.

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

Referred to the Committee on For-Hire Vehicles.

## Int. No. 898

By Council Member Moya.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a residential parking permit system in East Elmhurst**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

*§19-175.6 Residential parking permit system in East Elmhurst. a. The department shall create and implement a residential parking permit system in the neighborhood of East Elmhurst, which fixes and requires the payment of fees for parking within the area in which such parking system is in effect in accordance with the provisions of this section.*

*b. In creating such residential parking system, the department shall:*

- 1. designate specific areas in which such parking system applies;*
- 2. provide the times of the day and days of the week during which permit requirements shall be in effect; and*

*3. make not less than twenty percent of all spaces within the permit area available to non-residents and provide for short-term parking of not less than ninety minutes in duration in such area; and*

*4. provide that motor vehicles registered pursuant to section 404-a of the New York vehicle and traffic law be exempt from any permit requirement; and*

*5. provide the schedule of fees to be paid for residential permits; and*

*6. provide that such fees shall be credited to the general fund of the city of New York.*

*c. Notwithstanding the provisions of this section, no such residential parking permit shall be required on streets where the adjacent properties are zoned for commercial, office and/or retail use.*

§ 2. This local law takes effect 120 days after it becomes law provided that the department may take such measures necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Transportation.

## Int. No. 899

By Council Members Powers, Cumbo, Ayala, Levine, Torres, Rosenthal, Brannan, Moya, Van Bramer, Cabrera, Holden, Koslowitz, Rivera, Constantinides, Lander, Chin, Adams, Lancman, Levin, Williams, Richards, Reynoso and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of campaign funds for certain childcare expenses**

*Be it enacted by the Council as follows:*

Section 1. Subparagraphs 11 and 12 of paragraph a of subdivision 21 of section 3-702 of the administrative code of the city of New York are amended and a new subparagraph 13 is added, to read as follows:

*11. Food and beverages provided to campaign workers and volunteers; [and]*

*12. Expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office[.]; and*

*13. Childcare costs for a child or children under thirteen years of age for whom the candidate is a primary*



*caregiver and that would not exist but for the campaign or campaign activities, provided that such costs are consistent with an approved statement of childcare need, pursuant to subdivision 23 of this section.*

§ 2. Subparagraph 6 of paragraph b of subdivision 21 of section 3-702 of the administrative code of the city of New York is amended, to read as follows:

6. Tuition payments and childcare costs, *except as permitted by subparagraph 13 of paragraph a of this subdivision;*

§ 3. Section 3-702 of the administrative code of the city of New York is amended to add a new subdivision 23, to read as follows:

23. *The term “approved statement of childcare need” shall mean a statement submitted by the candidate and approved by the board for the expenditure of campaign funds on certain childcare costs. Such statement shall be submitted to the board before any childcare costs to be covered by the statement are incurred and, based on a determination of whether the expenditures proposed by such statement are determined to be in furtherance of a political campaign for elective office, shall be approved in whole, approved in part, or denied by the board within 10 days of submission, provided that a candidate may submit additional statements if denied or if a change in need occurs.*

§ 4. Paragraphs (j), (k) and (l) of subdivision 2 of section 3-704 of the administrative code of the city of New York are amended and a new paragraph (m) is added, to read as follows:

(j) payment of any penalty or fine imposed pursuant to federal, state or local law; [or]

(k) payments made through advances, except in the case of individual purchases in excess of two hundred fifty dollars; [or]

(l) expenditures to facilitate, support, or otherwise assist in the execution or performance of the duties of public office[.]; *or*

(m) *childcare costs.*

§ 5. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 338

**Resolution calling upon the New York State legislature to pass, and the Governor to sign, A.9923, in relation to improving the format of ballot proposals to minimize confusion.**

By Council Members Powers and Kallos.

**Whereas**, Due to the current format and typical length of New York election ballots, the ballot questions are regularly, if not always, required to be on the opposite side of the ballot on which candidate names appear; and

**Whereas**, As evidenced in the ballot data, there has been drop off in votes on ballot questions when compared to the number of votes cast for candidates; and

**Whereas**, In the 2017 General Election, there was a 9% drop in votes cast for the first ballot question as compared to the number of votes cast for the Mayor line; and

**Whereas**, This drop in votes could be attributed to a lack of clarity in guiding voters to complete the second page of the ballot; and

**Whereas**, New York State Assembly Member Buchwald introduced A.9923, which would require the State Board of Elections to add clear and graphic instructions that a ballot is two-sided, when it is; and

**Whereas**, Providing clear instructions that a ballot is two-sided would positively impact the number of votes on ballot questions; and

**Whereas**, For 2018 and 2019, the City of New York will have at least two ballot questions related to the Mayoral and Council Charter Revision Commissions, which could entail significant changes to the New York City government; 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.9923, in relation to improving the format of ballot proposals to minimize confusion.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations).

Preconsidered Res. No. 339

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6925/A.268, which will provide rent control tenants relief from high rent increases.**

By Council Members Powers, Cornegy, Chin, Rosenthal, Torres, Williams, Perkins, Rivera, Kallos and Ayala.

**Whereas,** The rent control law is administered by the New York State Homes and Community Renewal (HCR) and provides tenants in rent controlled apartments with eviction protections and limits on rent increases; and

**Whereas,** The 2017 New York City Housing and Vacancy Survey indicates that there are 21,751 rent controlled units; and

**Whereas,** New York City Local Law 30 of 1970 provides a formula for establishing a maximum base rents (MBR) for each rent controlled apartment based on real estate taxes, water and sewer charges, operating and maintenance expenses, vacancy, collection loss allowance and return on capital; and

**Whereas,** Every two years, the MBR is updated to reflect changes to the costs of operating a building; and

**Whereas,** An owner may increase the rent for a rent controlled unit by as much as 7.5 percent each year, but the rent may not exceed the MBR; and

**Whereas,** By comparison, the New York City Rent Guidelines Board (RGB) establishes an allowable rent increase each year for rent stabilized apartments based on a more comprehensive review of data that includes the most recent statistics on tenant income, economic trends, owner revenue, owner costs, and other changes in the housing supply to determine rent increases; and

**Whereas,** S.6925, introduced by State Senator Benjamin and pending in the New York State Senate and companion bill A.398, introduced by Assembly Member Rosenthal and pending in the New York State Assembly, would require HCR to cap the rent percentage increase an owner may charge a tenant in a rent controlled apartment at the lesser of 7.5 percent or an average of the previous five years of one-year rent increases for rent stabilized apartments, as established by the RGB; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon New York State Legislature to pass, and the Governor to sign, S.6925/A.268, which will provide rent control tenants relief from high rent increases.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 900

By the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on the provision of special educations services tri-annually and to expand the services on which the department is required to report**

*Be it enacted by the Council as follows:*

Section 1. Section 21-955 of chapter 5 of Title 21-A of the administrative code of the city of New York is amended to read as follows:

§ 21-955 [Annual reporting] *Reporting* on special education services. a. For the purposes of this section, the following terms shall have the following meanings:

1. "Academic period" [shall mean] *means* the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

2. "Committee on special education" [shall have] *has* the same meaning [as set forth] *ascribed to such term* in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

3. "Date of consent" [shall mean] *means* the date on which the department received written consent to conduct an initial evaluation from the parent or person in parental relation.

4. "Date of referral for reevaluation" [shall mean] *means* the date on which the department received a referral or referred a student with a disability for a reevaluation.

5. "IEP meeting" [shall mean] *means* a meeting of the committee on special education for the purpose of determining whether the student is a student with a disability and for the purpose of developing an IEP for any such student with a disability.

6. "Initial evaluation" [shall mean] *means* an evaluation to determine if a student is a student with a disability, conducted pursuant to sections 4401-a and 4402 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

7. "Reevaluation" [shall mean] *means* an evaluation of a student with a disability conducted pursuant to section 4402 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, provided that such term shall not include a three-year reevaluation.

8. "*Reporting period*" *means, as applicable, the period between July 1 of the prior calendar year until and including October 31 of the prior calendar year, for the report due on March 1; the period between November 1 of the prior calendar year until and including the last day of February of the current calendar year, for the report due on July 1; and the period between March 1 of the current calendar year until and including June 30 of the current calendar year, for the report due on November 1.*

[8.] 9. "School" [shall mean] *means* a school of the city school district of the city of New York.

[9.] 10. "Special class" shall have the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[10.] 11. "Student" [shall mean] *means* any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

[11.] 12. "Student with a disability" shall have the same meaning as set forth in section 4401 of the education law, provided that student with a disability shall not include a pre-kindergarten student or a preschool child.

[12.] 13. "Three-year reevaluation" [shall mean] *means* a reevaluation that occurs at least once every three years unless otherwise agreed as set forth in section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

b. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of students for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

1. the number of referrals for initial evaluations and reevaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

2. the number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the student was a student with a disability;

3. the number of IEP meetings that were convened less than or equal to sixty calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

4. the number of IEP meetings that were convened more than sixty calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

5. the number of reevaluations conducted, including the number of reevaluations that resulted in a determination that the student was no longer a student with a disability;

6. the number of IEP meetings that were convened less than or equal to sixty calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

7. the number of IEP meetings that were convened more than sixty calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

8. the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, grade level, and disability classification;

9. the average number of school days between the date the department receives consent from the parent or person in parental relation for the initial provision of special education services as set forth in section 200.5(b)(1)(ii) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department issues notice of the school that will implement the IEP, provided that this information shall only be reported when the parent or person in parental relation has not consented to defer implementation of the IEP until the following semester or the following school year, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

10. the following information, [disaggregated] *disaggregated* by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level: (i) the number of reevaluations that resulted in an IEP recommendation of more periods per week in a special class than the student's previous IEP recommendation; (ii) the number of reevaluations that resulted in an IEP recommendation of fewer periods per week in a special class than the student's previous IEP recommendation; (iii) the number of reevaluations that resulted in an IEP recommendation of removal from a school that serves students who are not students with disabilities and placement in a separate school for a student not previously recommended for such placement; and (iv) the number of reevaluations that resulted in an IEP recommendation of placement in a school that serves students who are not students with disabilities for a student previously recommended for placement in a separate school;

11. the number of three-year reevaluations conducted, including the number of such evaluations that were timely conducted, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, recommended language of instruction, and grade level;

12. the number and percentage of students who were receiving special education services: (i) in full compliance with their IEPs by the end of the academic period; and (ii) in partial compliance with their IEPs by the end of the academic period;

13. the number and percentage of students who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (i) through [(viii)] (x) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

- (i) monolingual speech therapy;
- (ii) bilingual speech therapy;
- (iii) monolingual counseling;
- (iv) bilingual counseling;
- (v) occupational therapy;
- (vi) physical therapy;
- (vii) hearing education services; [and]
- (viii) vision education services;
- (ix) *assistive technology services; and*
- (x) *special transportation services;*

14. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

- (i) 80% or more of the day;
- (ii) 40-79% of the day; and

(iii) less than 40% of the day.

c. The annual report required by subdivision (b) of this section shall be submitted and posted no later than November 1, provided that the first report, reporting data for the academic period beginning July 1, 2014 and ending June 30, 2015, shall be submitted and posted no later than February 29, 2016, and the second report, reporting data for the academic period beginning July 1, 2015 and ending June 30, 2016, shall be submitted and posted no later than November 1, 2016.

d. *Beginning on March 1, 2018, the department shall also submit to the speaker of the council and post on the department's website a report regarding the provision of special education services during the applicable reporting period, including but not limited to the following information:*

1. *the number and percentage of students who were receiving special education services: (i) in full compliance with their IEPs by the end of the reporting period; and (ii) in partial compliance with their IEPs by the end of the reporting period;*

2. *the number and percentage of students who, by the end of the reporting period, were receiving in full the services enumerated in subparagraphs (i) through (x) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the reporting period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:*

- (i) monolingual speech therapy;*
- (ii) bilingual speech therapy;*
- (iii) monolingual counseling;*
- (iv) bilingual counseling;*
- (v) occupational therapy;*
- (vi) physical therapy;*
- (vii) hearing education services;*
- (viii) vision education services;*
- (ix) assistive technology services; and*
- (x) special transportation services.*

*The information required to be reported pursuant to this subdivision shall be submitted and posted no later than March 1, July 1, and November 1 of each year.*

[d.]e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] 1 and 5 students, or allows another category to be narrowed to between [0] 1 and 5 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 901

By the Public Advocate (Ms. James) and Council Member Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city's retirement savings program for private-sector employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 14 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-1402, 20-1405, 20-1407, 20-1409, 20-1410 and 20-1411 to read as follows:

§ 20-1402 *Establishment of retirement savings board; membership.*

§ 20-1405 *Powers of retirement savings board.*

*§ 20-1407 Rulemaking.*

*§ 20-1409 No guarantees permitted; potential losses.*

*§ 20-1410 Information and disclaimers to eligible and participating employees.*

*§ 20-1411 Annual report and audit.*

*§ 20-1402 Establishment of the retirement savings board; membership. a. There shall be a retirement savings board, which shall consist of three members.*

*b. The mayor shall appoint the members of the board. In making such appointments, the mayor shall consider factors including but not limited to the following:*

*1. Experience in the field of retirement savings plan administration or investment;*

*2. Actuarial or demographics experience;*

*3. Representation of an association of eligible employees or a representative of participating employees; and*

*4. Representation of covered employers, such as by a local chamber of commerce.*

*c. At its first meeting, the board shall select a chairperson from among its members by a majority vote of such board.*

*d. There shall be an advisory committee to the retirement savings board, the members of which shall be appointed as follows:*

*1. The speaker of the council shall appoint one member;*

*2. The comptroller shall appoint one member; and*

*3. The public advocate shall appoint one member.*

*e. Members of the advisory committee shall be appointed for three-year terms.*

*f. Board members shall serve at the pleasure of their appointing official.*

*g. Board and advisory committee members shall not receive compensation for work on such board or committee.*

*h. In the event of a vacancy on the board or the advisory committee during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy on the advisory committee shall serve for the balance of the unexpired term.*

*i. The board shall meet not less than once every quarter and whenever deemed necessary by a member of the board.*

*j. The mayor may designate one or more agencies to provide staffing and other administrative support to the board.*

*k. Within appropriations therefor, the board may appoint one or more employees, including an executive director who may assign and supervise board staff. The board may delegate powers and functions to such employees, or to staff of agencies designated by the mayor pursuant to subdivision j of this section.*

*§ 20-1405 Powers of the retirement savings board. Subject to applicable federal and state law, the board:*

*a. Shall direct the investment of funds contributed to accounts established in the retirement savings program pursuant to this chapter, in accordance with the objectives of such program and to the extent consistent with applicable provisions of the charter and administrative code.*

*b. Shall minimize all applicable fees and costs while maintaining prudent and proper management of the program to ensure minimal costs for participating employees.*

*c. May enter into contracts, agreements or arrangements for, and retain or employ, the services of private and public financial institutions, depositories, consultants, investment advisers, custodians, investment managers, program managers, third-party administrators, and other persons to carry out the purposes of this chapter.*

*d. Shall use any contributions paid by participating employees into the program exclusively for the purpose of paying benefits to such participating employees, for the cost of administration of the program, and for investments made for the benefit of participating employees.*

*e. Shall establish a plan to promote the retention of the services of minority- and women-owned business enterprise asset managers, financial institutions and professional service firms.*

*f. Shall educate and provide outreach to covered employers and eligible employees.*

*g. Shall consider and may make recommendations to the mayor and the council regarding the establishment of a distinct retirement savings program consistent with the employee retirement income security act of 1974 that would permit employer contributions.*

*h. Shall seek loans, grants or other contributions to offset or finance fees or costs for the administration of the retirement savings program on an ongoing basis from financial firms, institutions or government entities.*

*i. May implement escalation or reduction of participating employees' default contribution rates from time to time, provided that the board shall notify eligible employees at least 45 days in advance of such escalation or reduction. If such an escalation or reduction is adopted, the board shall permit eligible and participating employees to opt out of such escalation or reduction.*

*j. May establish a process by which an individual may voluntarily enroll in and contribute to the program, provided that such enrollment and contributions are not inconsistent with the certifications required by section 20-1404.*

*k. May establish a process by which an employer that is not a covered employer may voluntarily enroll its employees in the program and allow those employees to contribute to the program, provided that such enrollment and contributions are not inconsistent with the certifications required by section 20-1404.*

*l. Shall establish a process by which a covered employer may seek a hardship exemption from this chapter, which may be obtained by demonstrating to the board's satisfaction that participation would be unduly burdensome for the employer.*

*m. Shall take all other actions necessary and appropriate to carry out the provisions of this chapter.*

*§ 20-1407 Rulemaking. a. The board may promulgate rules to implement the provisions of this chapter.*

*b. Such rules may establish variations from the requirements otherwise established by this chapter in order to conform to the scope of a regulatory exemption defining the coverage of the terms "employee pension benefit plan" and "pension plan" established by regulation of the United States department of labor pursuant to title I of the employee retirement income security act of 1974, provided that such variations are not inconsistent with the overall purpose and policy of this chapter.*

*c. Such rules may include any provisions necessary to ensure the program's exemption from the federal employee retirement income security act of 1974.*

*§ 20-1409 No guarantees permitted; potential losses. Except as otherwise required by federal or state law, no person including, but not limited to, a covered employer, the administrator, a member of the retirement savings board, the board itself, the city or any representative of any of the preceding shall guarantee a rate of return or interest for any contribution made to the retirement savings program. In addition, neither the board, its members, nor the city or any representative of the board, its members or the city shall be liable for any loss incurred by a participating employee, or any other individual or corporation, as a result of participating in the retirement savings program. Any liability of the administrator shall be confined to the liability defined by this chapter or by the agreement between the board and the administrator.*

*§ 20-1410 Information and disclaimers to eligible and participating employees. a. In addition to any other information that the board deems appropriate in furtherance of this chapter, the board shall make the following information available to eligible and participating employees in plain language:*

- 1. The benefits and risks associated with making contributions to the retirement savings program;*
- 2. Any applicable procedures regarding contributions to the retirement savings program and procedures for opting out of such program;*
- 3. Any applicable procedures regarding escalating or reducing the rate of contribution;*
- 4. Options and processes for withdrawing retirement savings;*
- 5. Any applicable procedures for obtaining additional information about the retirement savings program;*
- 6. Any applicable procedures for making complaints about non-compliance by covered employers or other concerns regarding the program; and*
- 7. Information about the right of eligible and participating employees to seek financial advice concerning retirement savings from financial advisers, tax advisers or other qualified individuals.*

*b. In addition to any other disclaimers that the board deems appropriate in furtherance of this chapter, the board shall make the following disclaimers available to eligible and participating employees in plain language:*

- 1. Covered employers, the retirement savings board and its members, and the city and its representatives are not authorized to provide financial advice;*
- 2. The program is not an employer-sponsored retirement plan;*

3. Covered employers, the retirement savings board and its members, and the city and its representatives are not liable for the investment decisions of eligible employees; and

4. Neither the existence of the program, the principal investment, any return on investment nor any interest rate is guaranteed by a covered employer, the retirement savings board or its members, or the city or its representatives, except as otherwise required by federal or state law.

§ 20-1411 Annual report and audit. a. The retirement savings program shall undergo an annual financial audit by an independent auditor.

b. No later than three months after the end of each calendar year, the board shall issue to the mayor, the speaker of the council, the comptroller and the public advocate, and publish on the city's website, an annual report that shall describe the board's activities and summarize its actions during the preceding calendar year.

That report shall include:

1. The total number of participating employees;
2. The total number of eligible employees in the city;
3. The total number of participating employees enrolled in the program during the subject year;
4. The demographics and income levels of program participants, to the extent reasonably ascertainable;
5. The number of eligible employees that opted out of the program during the subject year;
6. The number and type of fines and civil penalties imposed by the agency or agencies designated by the mayor pursuant to section 20-1402, or any other relevant agency, for violating the requirements of this chapter;
7. The total assets under management in the program;
8. Rates of return of each of the investment options provided by the program for the subject year; and
9. The total cost of administering the program during the subject year.

c. The data required to be included in this annual report will also be made available on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect on the same date as a local law to amend the administrative code of the city of New York relating to establishing a retirement savings program for private-sector employees takes effect, as proposed in introduction number {\_\_} for the year {\_\_}, takes effect.

§ 3. The report required by subdivision b of section 20-1411 of the administrative code of the city of New York, as added by section one of this local law, need only include information pertaining to the period that this local law has been in effect.

§ 4. No later than 180 days after the effective date of this local law, the public advocate, in conjunction with the mayor, the speaker of the council, the comptroller, and the relevant borough president may hold one or more public fora in each borough to provide information to, and address questions and concerns of, residents of the city regarding the retirement savings program for private-sector employees.

Referred to the Committee on Civil Service and Labor.

Int. No. 902

By Council Members Richards and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead water hazards in certain facilities serving children**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:



*Subchapter 1*  
*RESERVED*

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based [Paint] Hazards in [Day Care] *Certain Facilities Serving Children*

§ 17-920 *Definitions. As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:*

*Covered facility. The term “covered facility” means a preschool or a nursery school.*

*Day care facility. The term “day care facility” means a facility used to provide day care service.*

*Day care service. The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.*

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility *or by the owner of the premises where such facility is located* by submitting to the department a sworn written statement by [the] *such* operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 *Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility *or the owner of the premises where such facility is located* to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] after service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department’s request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.

§ [17-912] 17-923 *Department rules.* The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e* of section 173.14 [(d) and (e)] and those parts of *subdivision b of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such

rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] 17-924 Annual [Survey] survey for lead-based paint hazards. The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 17-925 Remediation of lead in water used for drinking or cooking at covered facilities.

a. All water supplied for drinking or cooking purposes in a covered facility shall have lead levels below a water lead action level established by rule of the department.

b. The operator of a covered facility or the owner of the premises where such facility is located shall:

1. Except as provided in subdivision c of this section, at least once in each year, cause a sample of water from each fixture in such facility that supplies water for drinking or cooking purposes to be analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency of appropriate jurisdiction, and provide, in a form and manner established by the department, a copy of the results of such analysis to the parent or guardian of each child that attends such facility and to the department; or

2. (i) Install, and thereafter maintain and replace in accordance with manufacturer specifications, water filtration or treatment systems that will reduce lead concentrations in water supplied for drinking or cooking purposes at such facility and that have been certified by NSF International, or another certifying body designated by rule of the department, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as the department may adopt by rule or (ii) otherwise provide occupants of such facility with an adequate supply of safe, water for drinking and cooking purposes in accordance with rules promulgated by the department, provided that if electing to comply with this paragraph, such owner or operator shall at least once in each year, in a time and manner established by the department, provide the department with a certification describing the manner of such compliance and provide a copy of such certification to the parents or guardian of each child that attends such facility.

c. 1. For a covered facility located in a building erected before June 19, 1988, the operator of such facility, or the owner of such building, may only elect to comply with paragraph 1 of subdivision b of this section for such facility if the department has authorized such election for such facility based upon submission of an application, in a form and manner established by the department, showing that (i) a person performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes in such facility to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by the department, the department of buildings or another agency designated by the mayor, (iv) such application includes a copy of the results of such tests certified by such person and (v) a copy of such application was provided to the parent or guardian of each child attending such facility.

2. The department may reduce the frequency of sampling for a covered facility under paragraph 1 of subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established under subdivision a of this section.

d. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that water supplied for drinking or cooking at a

covered facility has a lead level at or above the water lead action level established under subdivision a of this section, the operator of such facility or the owner of the premises where such facility is located shall:

1. Notify the department and the parent or guardian of each child that attends such facility in a time and manner established by the department; and

2. Comply with paragraph 1 of subdivision b of this section, except that an operator of such covered facility, or an owner of the premises where such a facility is located, who installs a water filtration or treatment system pursuant to such paragraph need not thereafter replace such system in accordance with such paragraph if such operator or owner submits to the department, in a time and manner established by the department, a certification showing that (i) a sample of water was obtained from each fixture in such facility that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the installation of such system but did not include water that passed through such system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicated that the lead level for each such sample is below the water lead action levels established under section 17-912 of the code, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was provided to a parent or guardian of each child attending such facility.

e. Conditions prohibited by this section shall be remediated in the manner set forth under subdivision d of section 17-922.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 903

By Council Members Richards, Adams, Miller, Holden, Ampry-Samuel and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to funds remaining in inmate accounts when inmates are released**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-154 to read as follows:

§ 9-154 *Inmate accounts. a. Definitions. For the purposes of this section, the term “inmate account” means an institutional fund account maintained on behalf of an inmate in the custody of the department or a former inmate who has been released from the custody of the department.*

*b. Within the 72-hour period prior to the release of an inmate from the custody of the department, the department shall provide to the inmate written notification of the amount of funds remaining in the inmate’s account and written instructions describing how the inmate may request refund of such funds.*

*c. Within 60 days following release of an inmate from the custody from the department, the department shall to the extent practicable return to such former inmate any funds remaining in the former inmate’s account.*

*d. No later than March 31 of each year, the department shall report to the council the aggregate amount of funds remaining in the inmate accounts of all former inmates who are no longer in the custody of the department.*

§ 2. Within 120 days following the effective date of this local law, the department of correction shall to the extent practicable return to each former inmate who was released from the custody of the department of correction prior to the effective date of this local law any funds remaining in such former inmate’s account.

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

Referred to the Committee on Criminal Justice.

Int. No. 904

By Council Members Rivera and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to investigation by the department of health and mental hygiene in connection with lead poisoning incidents involving pregnant women**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1  
Investigations Based on Elevated Blood Lead Level Findings*

§ 17-910 *Reserved.*

§ 17-911 *Reserved.*

§ 17-911.1 *Investigations in connection with elevated blood lead levels for pregnant women. Whenever a report has been made to the department of a pregnant woman with an elevated blood level that is at or above the blood lead reference level established by department rule, the department shall conduct such investigation as may be necessary to identify potential sources of such elevated blood level, including, but not limited to, inspection of any areas that such department would be required to inspect if such pregnant woman was a child under the age of 18 with an elevated blood level at or above such blood lead reference level. The scope of such inspection shall be, at a minimum, the scope that would be required if such pregnant woman was a child under the age of 18 with an elevated blood level at or above such blood lead reference level.*

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based Paint Hazards in Day Care Facilities

§ 17-920 *Definitions. As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:*

*Day care facility. The term “day care facility” means a facility used to provide day care service.*

*Day care service. The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.*

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility or by the owner of the premises where such facility is located by submitting to the department a sworn

written statement by [the] *such* operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] *17-922 Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility *or the owner of the premises where such facility is located* to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] *after* service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department's request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] *17-923* of this subchapter.

§ [17-912] *17-923 Department rules.* The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e of* section 173.14 [(d) and (e)] and those parts of subdivision b *of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] *(i)* two square feet of peeling lead-based paint per room or [(b)] *(ii)* ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] *17-924 Annual [Survey] survey for lead-based paint hazards.* The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 905

By Council Members Rivera, Cumbo, Powers, Ayala and Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring employers to implement a lactation accommodation policy**

*Be it enacted by the Council as follows:*

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 31 to read as follows:

*31. Employer Lactation Policies (a) Definitions. When used in this subdivision, the following terms have the following meanings:*

*Employer. The term "employer" has the same meaning as such term is defined in section 8-102 of this chapter, provided, however, that in an action pursuant to this section, the term "employer" shall include any employer, including those with fewer than four employees.*

*Lactation space. The term "lactation space" means a sanitary place that is not a restroom that can be used to breastfeed or express milk shielded from view and free from intrusion by coworkers and the public and which includes at minimum an electrical outlet, a chair, a surface to place a breast pump and other personal items and nearby access to running water.*

*(b) Employer lactation policy. An employer shall develop and implement a policy regarding lactation spaces to be distributed to all employees upon hiring. The policy shall:*

*(1) Include a statement that employees have a right to request a lactation space.*

*(2) Identify a process by which an employee may request a lactation space. This process shall:*

*(A) Specify the means by which an employee may submit a request for a lactation space.*

*(B) Require that the employer respond to a request for a lactation space within five business days.*

*(C) State that, if in response to a request for a lactation space, the employer does not provide a lactation space, the employer must provide the employee with a written response that identifies the basis upon which the employer has denied the request; and*

*(D) State that the employer shall provide reasonable break time to express breast milk pursuant to section 206-c of the labor law.*

*(c) Model lactation policy. The commission shall, in collaboration with the department of health and mental hygiene, create a model lactation policy that conforms to the requirements of paragraph (b) of this section and a model lactation space request form. The commission shall make such policy and request form available on its website.*

*(d) Retention of request records. An employer shall maintain a record of the initial written request or any update to the initial written request for a lactation space made pursuant to paragraph (b) of this subdivision. The record shall include the date of the request, and a description of how the employer resolved the request. Employers shall maintain these records for a period of three years from the date of the request, and shall allow the commission access to such records, with appropriate notice and at a mutually agreeable time, to review compliance with the requirements of this section.*

*(e) The presence of such lactation policy pursuant to this subdivision does not affect an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.*

§ 2. This local law takes effect on the same effective date as section 3 of local law 63 for the year 2018, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Women.

Preconsidered Res. No. 340

**Resolution calling on New York State Legislature to pass, and the Governor to sign, legislation that would extend rent stabilization to unregulated apartments.**

By Council Members Rivera, Cornegy, Chin, Rosenthal, Torres, Williams, Perkins and Kallos.

**Whereas**, New York City continues to face a housing crisis, with the latest Housing Vacancy Survey (HVS) conducted by the United States Census Bureau revealing a vacancy rate of only 3.65 percent; and

**Whereas**, The HVS identified 936,850 unregulated units in New York City; and

**Whereas**, The lease terms and rental rates for unregulated units are negotiated between the owner and tenant; and

**Whereas,** Tenants in unregulated units have little, if any, protection from excessive rent increases or burdensome changes in lease provisions and have no right to lease renewals, which allows landlords to continuously seek out new tenants capable of paying ever higher rents; and

**Whereas,** Rent stabilization gives tenants critical protections and rights by setting standards for rent increases and evictions and by providing renewal rights;

**Whereas,** All tenants should be afforded the kinds of protections provided under rent stabilization; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on New York State Legislature to pass, and the Governor to sign, legislation that would extend rent stabilization to unregulated apartments.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 906

By Council Members Rodriguez, Holden and Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to a transfer of jurisdiction over Hart Island from the department of corrections to the department of parks and recreation**

*Be it enacted by the Council as follows:*

Section 1. Section 9-103 of the administrative code of the city of New York is REPEALED.

§2. Section 21-110 of the administrative code of the city of New York is amended to read as follows:

§21-110 Potter’s field. The commissioner shall have charge of the Potter's Fields, and when the necessity therefor shall arise, shall have power to lay out additional Potter's Fields or other public burial places for the poor and strangers and from time to time enclose and extend the same to make enclosures therein and to build vaults therein, and to provide all necessary labor and for interments therein. The Potter's Field on [Hart's] *Hart* island, however, shall [remain] *be* under the control of the department of [correction] *parks and recreation*, and the burial of deceased paupers therein shall [continue] *occur* under rules and regulations established by the joint action of the departments of social services, [and] *correction[,] and parks and recreation* or in case of disagreement between such departments, under such regulations as may be established by the mayor.

§3. This local law shall take effect 180 after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 907

By Council Members Rodriguez and Holden

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead soil hazards in certain facilities serving children**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1*  
*RESERVED*

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based [Paint] Hazards in [Day Care] *Certain Facilities Serving Children*

§ 17-920 *Definitions. As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:*

*Covered facility. The term “covered facility” means a day care facility, a preschool, a nursery school or a school.*

*Day care facility. The term “day care facility” means a facility used to provide day care service.*

*Day care service. The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.*

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any day care facility in a structure erected [prior to] *before* January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of the day care facility *or by the owner of the premises where such facility is located* by submitting to the department a sworn written statement by [the] *such* operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] 17-922 *Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any day care facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility *or the owner of the premises where such facility is located* to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] *after* service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department’s request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] 17-923 of this subchapter.



§ [17-912] 17-923 Department rules. The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e of section 173.14 [(d) and (e)]* and those parts of *subdivision b of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a)] (i) two square feet of peeling lead-based paint per room or [(b)] (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] 17-924 Annual [Survey] *survey for lead-based paint hazards*. The operator of a day care facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department.

§ 17-925 *Reserved*.

§ 17-296 *Remediation of lead in soil at covered facilities. a. For the purposes of this section, the term "covered soil area" means area that is (i) on premises where a covered facility is located, (ii) partially or wholly covered in bare soil and (iii) accessible to children attending such facility.*

*b. Lead levels in covered soil areas on premises where a covered facility is located shall be below the soil lead reference levels established by rule of the department.*

*c. The operator of a covered facility or the owner of the premises where such facility is located shall (i) at least once in each year cause a lead test to be conducted, in a manner established by department rule, on a sample of soil from each covered soil area on such premises and (ii) provide a copy of the results of such test to the department and the parent or guardian of each child that attends such facility, in a time and manner established by the department.*

*d. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that a covered soil area on premises where a covered facility is located has a lead level at or above the soil lead reference level established under subdivision b of this section, the operator of such facility or the owner of such premises shall:*

*1. Notify the department and the parent or guardian of each child that attends such facility in a time and manner established by the department; and*

*2. Cover, replace or otherwise remediate such soil area in a manner established by rule of the department.*

*d. The department may reduce the frequency of sampling required under subdivision c of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established under subdivision b of this section.*

*e. Conditions prohibited by this section shall be remediated in the manner set forth under subdivision d of section 17-922.*

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

## Int. No. 908

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new cigarette retailers near schools**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision d of section 20-202 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

1. A license shall be issued to a person to conduct the business of a retail dealer for each place of business where such person engages in selling cigarettes or tobacco products in the city only where:

(A) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as he or she deems necessary to effectuate the purposes of this subchapter;

(B) an applicant satisfies the commissioner that such person is fit and able to conduct the business of a retail dealer;

(C) the commissioner has not received notification from the commissioner of finance or the commissioner of the department of health and mental hygiene that such applicant is not in full compliance with any provisions of chapter 13 or chapter 40 of title 11 of this code relating to the sale of cigarettes or tobacco products, section 17-176 or section 17-176.1 or chapter 7 of title 17, or any rules promulgated by the commissioner of finance or the commissioner of the department of health and mental hygiene to effectuate the purposes of such chapters; [and]

(D) the number of licenses in the community district in which the place of business of such applicant is located is lower than the community district retail dealer cap[.]; *and*

(E) *the applicable place of business of such applicant is located no less than 500 feet from any public or non-public school serving children in any grade from kindergarten through high school.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Health.

## Int. No. 909

By Council Members Rodriguez, Holden and Lancman.

**A Local Law to amend the administrative code of the city of New York, in relation to ferry service to Hart Island**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-308 to read as follows:

*§19-308 Ferry Service to Hart Island. The commissioner shall maintain and operate regular ferry service, which shall be open to the public, between City Island in the borough of the Bronx and Hart Island. The commissioner shall expeditiously obtain all necessary state and federal permits prior to such maintenance and operation. The schedule of such service shall be determined by the commissioner in consultation with the commissioner of correction, provided, however, that the commissioner shall make available on the website of the city of New York information clearly stating how a member of the public may reserve in advance a ride on such ferry.*

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

Referred to the Committee on Transportation.

Int. No. 910

By Council Members Rodriguez, Deutsch and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing vehicles to park on the restricted side of a street which is subject to alternate side parking rules without being ticketed if the owner is in the vehicle and able to move it or if the street has already been cleaned.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§ 19-163.3 Restrictions on issuing notices of violation for alternate side of the street parking violations. a. For the purposes of this section, the term “roadway” means that portion of the street ordinarily used for vehicular travel.*

*b. No notice of violation of alternate side parking rules shall be issued to a driver or owner of a motor vehicle on a day when alternate side parking rules are in effect if the driver or owner is in the vehicle and ready to move such vehicle when the street cleaning vehicle approaches or if the roadway under where such vehicle is parked has already been swept on such day.*

§2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 911

By Council Members Rose and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending parking meter rules on certain holidays**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

*§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules and requirements to activate parking meters and muni-meters shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays. For the purposes of this section, “muni-meter” shall have the same meaning as in subdivision b of section 19-167.1.*

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

Referred to the Committee on Transportation.

## Int. No. 912

By Council Members Rose, Cabrera, Vallone, Ampry-Samuel, Holden, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rivera, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review infrastructure security technologies at schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 10 to read as follows:

*10. infrastructure security technologies, including best practices for ingress and egress.*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

## Int. No. 913

By Council Members Rosenthal, Ampry-Samuel, Cumbo, Rivera, Chin, Levin, Levine, Ayala, Lander, Cohen, Rose, Kallos, Richards, Brannan, Reynoso, Menchaca, Williams and Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to access to doulas in New York City**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding new section 17-199.9 to read as follows:

§ 17-199.9 Access to doulas. a. Definitions. For the purposes of this title, “doula” means a trained professional who provides continuous physical, emotional and informational support to a pregnant person and the family before, during and shortly after childbirth.

b. The department shall establish a plan to provide access to doulas for pregnant people in the city. In establishing such plan, the department shall assess the needs of pregnant people and the availability of free and low-cost doulas to meet such needs. Information assessed shall include but not be limited to:

1. The demand for doulas in the city.
  2. The number of doulas in the city and any appropriate qualifications.
  3. The average cost of doula services, and whether or not such services may be covered by an existing health plan or benefit.
  4. Existing city programs that provide doula services.
  5. Areas or populations within the city in which residents experience disproportionately low access to doulas.
  6. Areas or populations within the city in which residents experience disproportionately high rates of maternal mortality.
  7. The benefits associated with the use of doulas.
- c. The department shall make recommendations to the council with respect to the expansion of doula programs, including free and low-cost programs, to pregnant people in the city.
- d. No later than January 1, 2019, and on or before January 1 every year thereafter, the department shall prepare and submit to the council and post on its website an annual plan for providing access to doula services

*to pregnant people who request such services. Such plan shall also identify obstacles to making such services available to all those who need them and any additional resources necessary to do so.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Women.

Int. No. 914

By Council Members Rosenthal, Cumbo, Rivera, Chin, Ampry-Samuel, Levine, Ayala, Levin, Lander and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on maternal mortality**

*Be it enacted by the Council as follows:*

Section 1. Section 17-199.3 of the administrative code of the city of New York is amended to read as follows:

§ 17-199.3 Maternal mortality annual report. a. For purposes of this section, the following terms have the following meanings:

Maternal health. The term “maternal health” means the health of [women] *a person* during pregnancy, childbirth, and the postpartum period.

Maternal mortality. The term “maternal mortality” means the death of a person while pregnant or within 42 days of the termination of pregnancy, from any cause related to or aggravated by the pregnancy or its management.

b. No later than September 30, 2017, and not later than September 30 annually thereafter, the department shall submit to the speaker and publish *in a machine-readable format* in the annual summary of vital statistics the most recent calendar year data available regarding maternal mortality in New York City, to the extent such data is made available to the department, *on an individual-person level, anonymized to comply with privacy considerations, including but not limited to the health insurance portability and accountability act (HIPAA)*, including, but not be limited to:

[1. The number of maternal mortalities, disaggregated by race or ethnicity and borough of residence;]

1. *The total number of live births; and the total number of maternal mortalities disaggregated by information about the pregnant person or mother, including but not limited to: race or ethnicity; location where such person or mother resided by census block and tract; location(s) where such person or mother received pregnancy-related care by census block and tract; employment status; whether such person or mother was uninsured or utilized health insurance other than medicaid, medicaid or other family planning services; whether such person or mother saw a doula; whether such person or mother visited a midwife or other licensed medical professional for obstetrics or pregnancy-related care; number of prenatal visits; any previous health complications; whether the person or mother died, and if so, whether such person or mother’s death was pregnancy-related or pregnancy-associated and, if pregnancy-related or pregnancy-associated, the cause of death; whether the person or mother experienced a severe maternal morbidity event and, if so, the type of event; whether such person is a first time mother; whether the fetus or infant died; and borough of residence;*

2. The maternal mortality ratio, disaggregated by race or ethnicity and borough of residence where available and statistically reliable;

3. Recommendations regarding actions the department, the mayor, and the [Council] *council* can take to improve maternal health, particularly in disproportionately impacted communities; [and] reduce maternal mortality; *and enhance cooperation between other city agencies that have a mandate related to maternal health, including but not limited to the commission on gender equity;* and

4. An update on the implementation of the recommendations made in previous reports made pursuant to this section regarding actions that the department or mayor can take to improve maternal health and reduce maternal mortality, if any.

5. In the development of reports made pursuant to this section, the department shall consult any review or assessment produced by the committee established in section 17-199.3.1.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.3.1, to follow 17-199.3, to read as follows:

§17-199.3.1 *Maternal mortality and morbidity review committee (M3RC)*. a. *The department shall create a committee on maternal mortality and morbidity to, at a minimum, study the nature and extent of maternal mortality; study the impact of factors including but not limited to pre-natal care, doulas, economic, civic, and social well-being, and race on pregnant persons and mothers as it relates to maternal mortality; advise on ways to analyze complications experienced by expectant parents and mothers and ways to develop equitable strategies to respond to them; and to make recommendations to the mayor and the council for the reduction of maternal mortality and morbidity. Members of the committee shall represent a multi-disciplinary panel of representatives, including but not limited to representatives from various healthcare facilities, community based organizations with relevant experience, the doula community, researchers with relevant experience, and first responders.*

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

Referred to the Committee on Women.

#### Int. No. 915

By Council Members Salamanca, Deutsch, King, Moya, Rivera, Koo, Ampry-Samuel, Brannan, Chin, Constantinides, Diaz, Dromm, Holden, Gjonaj, Torres, Cabrera, Richards, Espinal, Koslowitz, Cumbo, Borelli and Ulrich.

#### **A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services and human resources administration to post shelter, supportive housing and cluster site data**

*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 21-142 to read as follows:

§ 21-142 a. *Definitions. For the purposes of this section, the following terms have the following meanings:*

*Cluster site. The term “cluster site” means an individual housing unit, which is being utilized as shelter for a homeless family, within a private building.*

*Scattered-site supportive housing unit. The term “scattered-site supportive housing unit” means a unit of affordable, permanent housing with support services for residents provided by the department or a provider under contract or similar agreement with the department, in an apartment building designated for specific populations.*

*Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*Single-site supportive housing facility. The term “single-site supportive housing facility” means affordable, permanent housing with support services provided by the department or a provider under contract or similar agreement with the department, where each individual or family has private living quarters and may share kitchens and/or common recreational rooms or other facilities.*

b. *The department shall submit to every council member and community board and post on its website quarterly reports on the number of shelters, single-site supportive housing facilities, scattered-site supportive housing units, and cluster sites in each council district and community board. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2018 to December 31, 2018, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such report shall include, but not be limited to the following information:*

1. *The total number of shelters, disaggregated by community board and council district;*

2. *The total number of single-site supportive housing facilities, disaggregated by community board and council district;*
  3. *The total number of scattered-site supportive housing units, disaggregated by community board and council district;*
  4. *The total number of cluster sites, disaggregated by community board and council district.*
- § 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 916

By Council Members Salamanca, King and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead soil hazards in dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

§ 27-2056.1 *Reserved.*

§ 2. Paragraph 11 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(11) “Remediation” or “Remediate” shall mean (i) *with respect to a lead-based paint hazard*, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene or (ii) *with respect to other hazardous conditions concerning lead, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.*

§ 3. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

§ 27-2056.3.1 *Reserved.*

§ 4. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.2 to read as follows:

§ 27-2056.3.2 *Owners’ responsibility with respect to lead in soil. a. For the purposes of this section, the term “covered soil area” means area that is (i) on premises of a multiple dwelling, (ii) partially or wholly covered in bare soil and (iii) accessible to persons other than those employed to maintain such premises.*

*b. The owner of a multiple dwelling shall at least once in each year (i) cause a lead test to be conducted, in a manner established by rule of the department of health and mental hygiene, on a sample of soil from each covered soil area on the premises of such multiple dwelling and (ii) provide a copy of the results of such test to the department of health and mental hygiene and a lawful occupant of each dwelling unit in such multiple dwelling.*

*c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that a covered soil area on the premises of a multiple dwelling has a lead level at or above the soil lead reference level established by rule of the department of health and mental hygiene, the owner of such multiple dwelling shall:*

*1. Notify such department and a lawful occupant of each dwelling unit in such multiple dwelling in a time and manner established by such department; and*

*2. Cover, replace or otherwise remediate such area in a manner established by rule of such department.*

*d. The department of health and mental hygiene may reduce the frequency of sampling for a multiple dwelling under subdivision b of this section from once in each year to once in every three years upon submission*

*of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established by rule of the department health and mental hygiene.*

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 341

**Resolution recognizing April 12th annually as Garífuna Heritage Day in the City of New York.**

By Council Members Salamanca and King.

**Whereas,** The Garífuna people are descendants of the indigenous Island Carib people of the Lesser Antilles in the Caribbean and formerly enslaved Central and West Africans, who either escaped plantations or mines on nearby islands or survived Spanish shipwrecks off the coast of St. Vincent in 1635; and

**Whereas,** Unlike much of the Caribbean archipelago following Christopher Columbus' arrival in 1492, the Island Carib people were among the most successful Native American groups in resisting European conquest and colonization; and

**Whereas,** After a time of peaceful coexistence with French settlers, with whom the Garífuna formed an alliance against rival colonial powers, a series of wars erupted among the British, Spaniards and French, out of which the British emerged victorious in 1796; and

**Whereas,** In 1797, nearly 150 years after Barbados and St. Kitts were settled and successfully controlled by the British, St. Vincent became the last indigenous stronghold in the Caribbean when a few thousand Garífuna were deported to Roatán, an island off the coast of Spanish-controlled Honduras; and

**Whereas,** Over the next century, the Garífuna spread out along the Central American coastland and became heavily involved in the banana exportation industry until the 1940s, when a deadly epidemic spread among banana plants, forcing companies to shut down and their employees out of work; and

**Whereas,** Looking for work, many Garífuna men turned to seafaring businesses and during World War II served in the merchant marines for Great Britain and the United States, eventually settling in the port cities of Los Angeles, New York and New Orleans; and

**Whereas,** In 1823, William Henry Brown, the first American playwright of African descent, wrote "The Drama of King Shotaway," recognized as the first Black drama of American theater, which has as its subject the 1795 Island Carib peoples' defense of St. Vincent, against colonization by the British; and

**Whereas,** Born of a fusion of race and ethnicities, and after more than 300 years of contact with British, French and Spanish colonizers, the Garífuna have maintained aspects of their ancestral culture and full use of their ancestral language, both of which are noted for being distinct; and

**Whereas,** The Garífuna historically were punished for expressing their culture and language in Belize, Guatemala, the Grenadines, Honduras, Nicaragua and St. Vincent, where they remain minorities in their respective countries; and

**Whereas,** In 2001, in recognition of the importance of preserving traditional and popular culture under threat of disappearing in an era of globalization, the United Nations Educational, Scientific and Cultural Organizations (UNESCO) awarded the title of "Masterpiece of the Oral and Intangibles Heritage of Humanity" to the Garífuna Language, Dance and Music of Belize; and

**Whereas,** Despite many contributions to the social and economic fiber of New York City, the Garífuna community remained relatively invisible until 1990, when a devastating fire at the Happy Land Social Club in the Bronx claimed the lives of 87 people, of whom more than 70 percent were of Garífuna descent; and



**Whereas**, Today, the Garífuna community makes a significant contribution to the cultural tapestry that defines New York City, which is home to the largest Garífuna population outside of Honduras, with an estimated 200,000 living in the South Bronx, Harlem, Brownsville and East New York; and

**Whereas**, In observance of the anniversary of the forcible transfer of the Garífuna from St. Vincent and the Grenadines, March 11th through April 12th has been designated as Garífuna-American Heritage Month in the State of New York and April 12, 2018 will mark the 221st Anniversary of the expulsion; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes April 12th annually as Garífuna Heritage Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 917

By Council Member Torres

**A Local Law to amend the New York city charter, in relation to creating expedited processing of FOIL requests to professional journalists**

*Be it enacted by the Council as follows:*

Section 1. Chapter 47 of the New York city charter is amended by adding a new section 1058.1 to read as follows:

§ 1058.1 *Expedited processing of freedom of information law requests. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Agency. The term “agency” means any governmental entity of the city of New York subject to the requirements of article 6 of the public officers law.*

*Expedited processing. The term “expedited processing” means, where an agency determines to grant a request in whole or in part, doing so within 10 business days from the date of acknowledgement of the receipt of the request; and if circumstances prevent disclosure within 10 business days from the date of the acknowledgement of the receipt of the request, the agency stating, in writing, both the reason for the inability to grant the request within 10 business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part, but never disclosing records later than six months from the date of acknowledgment of the receipt of the request.*

*Professional journalist. The term “professional journalist” means a person who is engaged in the gathering, preparing, collecting, writing, editing, filming, taping, or photographing of news intended for a newspaper, magazine, television or radio station, website, or other professional medium, service or agency which has as one of its regular functions the production or dissemination of news to the public.*

*Record. The term “record” means a record as defined in section 86 of the public officers law.*

*Request. The term “request” means a freedom of information law request for records made pursuant to article 6 of the public officers law and received by an agency.*

*b. Agencies shall provide for expedited processing of requests for records made by professional journalists.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Governmental Operations.

## Int. No. 918

By Council Members Torres and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on lead poisoning prevention and control**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended to add a new section 17-186.2 to read as follows:

*§ 17-186.2 Annual report on enforcement of provisions relating to childhood lead poisoning. No later than September 1, 2020, and no later than every September 1 thereafter, the department, with the cooperation of the department of housing preservation and development, shall submit to the mayor and the speaker of the council, and make publicly available on the department's website, a comprehensive report for the prior calendar year regarding the (i) implementation, enforcement and efficacy of all lead poisoning prevention and control measures required by local law or rule and (ii) incidences of lead poisoning in children and pregnant women.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

## Int. No. 919

By Council Members Torres, Treyger and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to investigations of lead-based paint hazards by independent and certified inspectors**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.4 of the administrative code of the city of New York is amended by adding a new subdivision a-1 to read as follows:

*a-1. At least once every five years, an investigation undertaken pursuant to this section shall be performed by a person who is (i) independent of the owner and any person or firm that performs any work required for remediation, and (ii) certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations.*

§ 2. Subdivision b of section 27-2056.8 of the administrative code of the city of New York, as added by local law 1 for the year 2004, is amended to read as follows:

*b. Where turnover of a dwelling unit as described in subdivision a of this section occurs five or more years after the most recent turnover of such dwelling unit, an investigation for lead-based paint hazards shall be performed by a person who is (i) independent of the owner and any person or firm that performs any work required for remediation upon turnover, and (ii) certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. All work performed pursuant to this section shall be performed pursuant to the safe work practices promulgated pursuant to section 27-2056.11(a)(3) of this article.*

§ 3. Paragraph (6) of subdivision a of section 27-2098 of the administrative code of the city of New York, as added by local law 44 for the year 2010, is amended to read as follows:

*(6) If the dwelling is subject to the requirements of section 27-2056.4 or section 27-2056.8, for each dwelling unit in such dwelling (i) whether such unit turned over during the period covered by such registration, (ii) the name of the persons who performed the investigations and any remediation pursuant to such sections since the most recent registration date and (iii) whether the department has granted an exemption from the presumption established by section 27-2056.5 for such unit.*

(7) For the purposes of this section, a United States postal service mail delivery box, a mail delivery box maintained through a privately operated mail handling facility or the address at which any similar service is provided shall be deemed an invalid business address and the department shall not accept for filing any registration statement containing only such an address.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 920

By Council Members Treyger, Holden and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead paint hazards in certain facilities serving children**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is retitled as follows:

Chapter 9  
[Lead-Based Paint in Day Care Facilities] *Lead*

§ 2. Subchapter 1 of chapter 9 of title 17 of the administrative code of the city of New York is REPEALED and a new subchapter 1 is added to such chapter to read as follows:

*Subchapter 1*  
**RESERVED**

§ 3. Subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

Subchapter 2  
Remediation of Lead-Based Paint Hazards in [Day Care] *Certain Facilities Serving Children*

§ 17-920 *Definitions.* As used in this subchapter, the terms “chewable surface,” “deteriorated subsurface,” “friction surface,” “impact surface,” “lead-based paint,” “lead-based paint hazard,” “lead-contaminated dust,” “peeling” and “remediation” shall have the meanings ascribed to such terms in section 27-2056.2 of the housing maintenance code and:

*Covered facility.* The term “covered facility” means a day care facility, a preschool, a nursery school or a school.

*Day care facility.* The term “day care facility” means a facility used to provide day care service.

*Day care service.* The term “day care service” means a service which, during all or part of the day, regularly gives care to seven or more children of applicable age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education.

§ [17-910 Presumption] 17-921 *Lead-based paint presumption.* a. All paint or similar surface-coating material on the interior of any [day care] covered facility in a structure erected [prior to] before January 1, 1978, shall be presumed to be lead-based paint.

b. The presumption established by this section may be rebutted by the operator [or owner] of [the day care] *such facility or by the owner of the premises where such facility is located* by submitting to the department a sworn written statement by [the] *such* operator or owner [of the day care facility] supported lead-based paint testing or sampling results, a sworn written statement by the person who performed the testing if performed by an employee or agent of [the] *such* operator or owner [of the day care facility], and such other proof as the department may require. Testing performed to rebut the presumption may only be performed by a person who has been certified as an inspector or risk assessor in accordance with subparts L and Q of part 745 of title 40 of the code of federal regulations or successor regulations. The determination as to whether such proof is adequate to rebut the presumption established by this section shall be made by the department.

§ [17-911] *17-922 Remediation of lead-based paint hazards.* a. There shall be no peeling lead-based paint in any portion of any [day care] *covered* facility.

b. [Lead based] *Lead-based* paint or paint of unknown lead content that is peeling, or which is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces shall be immediately remediated in a manner authorized by the department.

c. Any equipment that is painted shall be painted with lead-free paint.

d. Whenever a condition prohibited by this section is found to exist, the department shall immediately serve an order on the operator [or owner] of such [day care] facility *or the owner of the premises where such facility is located* to remediate the condition. In the event such order is not complied with within [forty-five] 45 days [of] *after* service thereof, the department shall immediately request an agency [of the city of New York] to execute such order pursuant to the provisions of section 17-147 of this code. The agency shall execute the order within [forty-five] 45 days of the department's request. The city [of New York] shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, including as credits toward lease payments.

e. When lead-based paint hazards are remediated pursuant to this section such work shall be performed in compliance with work practices established by the department pursuant to section [17-912] *17-923* of this subchapter.

§ [17-912] *17-923 Department rules.* The department shall promulgate such rules as may be necessary for the implementation of this [chapter] *subchapter*. Such rules shall incorporate work practices that are no less protective of public health than those set forth in *subdivision d and e* of section 173.14 [(d) and (e)] and those parts of subdivision b *of such section* of the health code applicable thereto or a successor rule, and shall include a requirement that lead-contaminated dust clearance testing be performed at the completion of such work. Such rules shall require that such work be performed by a person who has, at a minimum, successfully completed a course on lead-safe work practices given by or on behalf of the department or, by the United States environmental protection agency or an entity authorized by it to give such course, or by the United States department of housing and urban development or an entity authorized by it to give such course. Such rules shall not apply where such work disturbs surfaces of less than [(a) (i) two square feet of peeling lead-based paint per room or [(b) (ii) ten percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

§ [17-913] *17-924 Annual [Survey] survey for lead-based paint hazards.* The operator of a [day care] *covered* facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results to the department *and to the parent or guardian of each child that attends such facility*.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 921

By Council Members Vallone, Chin, Koslowitz, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to creating to a school security task force**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

*§14-176. School security task force. a. Definitions. As used in this section, the following terms have the following meanings:*

*School emergency. The term “school emergency” means a situation involving a threat of harm to students, personnel, and/or facilities, including but not limited to natural, technological, and human-caused incidents, which require response from law enforcement. Such incidents shall include but not be limited to school shelter-ins, lock downs, and evacuations.*

*b. There shall be established a task force that shall make recommendations concerning matters related to school security as provided for in this section.*

*c. The task force shall be comprised of the commissioner or his or her designees who shall serve as chair of the task force; the chancellor of the department of education or his or her designees; and the director of the office of criminal justice or his or her designees.*

*d. Such task force shall meet at least quarterly.*

*e. Such task force shall seek input from at least one teacher employed by the department of education; at least one staff person employed by the department of education who is not a teacher, such as a guidance counselor or social worker; and at least one parent of a student currently enrolled in a New York city public school.*

*f. The task force shall report its recommendations on or before March first, two thousand nineteen, and annually thereafter on or before March first, and submit such reports to the mayor and the speaker of the council.*

*§2. This local law shall take effect 120 days after it becomes law.*

Referred to the Committee on Public Safety.

Int. No. 922

By Council Members Vallone, Chin, Koslowitz, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review emergency communication technologies at schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 4 to read as follows:

*4. communication technologies for notifying the department in the event of a school emergency;*

*§2. This local law shall take effect 120 days after it becomes law.*

Referred to the Committee on Public Safety.

## Int. No. 923

By Council Members Vallone, Chin, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a school security task force to review emergency preparedness at nonpublic schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 14-176 of the administrative code of the city of New York, as added by a local law for the year 2018 amending the administrative code of the city of New York relating to creating a school security task force, as proposed in introduction number \_\_\_\_, is amended by adding a paragraph 7 to read as follows:

8. *emergency preparedness resources needed and available to nonpublic schools;*

§2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

## Int. No. 924

By Council Members Vallone, Ampy-Samuel, Chin and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of speed humps on roadways adjacent to schools with at least 150 students**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-189 of the administrative code of the city of New York, as added by local law number 115 for the year 2013, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms [shall be defined as follows] *have the following meanings:*

[1. "School" shall mean] *School. The term "school" means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least [250] 150 students at or below the twelfth grade level.*

[2. "Speed hump" shall mean] *Speed hump. The term "speed hump" means any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.*

§2. This local law takes effect 180 days after enactment.

Referred to the Committee on Transportation.

## Int. No. 925

By Council Members Williams, Miller, Chin and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to for-hire vehicles and commuter vans with a seating capacity greater than 20**

*Be it enacted by the Council as follows:*

Section 1. Subdivision g of section 19-502 of the administrative code of the city of New York, as amended by local law number 70 for the year 2001, is amended to read as follows:

g. “For-hire vehicle” means a motor vehicle carrying passengers for hire in the city, with a seating capacity of twenty passengers or less, not including the driver, other than a taxicab, coach, wheelchair accessible van, commuter van or an authorized bus operating pursuant to applicable provisions of law. For the purpose of this subdivision, “seating capacity” shall include any plain view location which is capable of accommodating a normal adult [is] as part of an overall seat configuration and design and is likely to be used as a seating position while the vehicle is in motion. *For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized for-hire vehicle and to the enforcement of such prohibitions and to the imposition of penalties for violations of such prohibitions and to the seizure and forfeiture of for-hire vehicles, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, commuter van, or wheelchair accessible van or not operating as an authorized bus line pursuant to applicable provisions of law regardless of the seating capacity of any such vehicle.*

§ 2. Subdivision p of section 19-502 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, is amended to read as follows:

p. “Commuter van” means a commuter van service having a seating capacity of at least nine passengers but not more than twenty passengers or such greater capacity as the commission may establish by rule and carrying passengers for hire in the city duly licensed as a commuter van by the commission and not permitted to accept hails from prospective passengers in the street. For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized commuter van service or an unlicensed commuter van and to the enforcement of such prohibitions and to the imposition of penalties for violations of such prohibitions *and to the seizure and forfeiture of commuter vans*, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, for-hire vehicle, or wheelchair accessible van or not operating as an authorized bus line pursuant to applicable provisions of law *regardless of the seating capacity of any such vehicle*. The commission shall submit to the council the text of any proposed rule relating to the maximum capacity of commuter vans at the time such proposed rule is published in the City Record.

§ 3. This local law takes effect immediately.

Referred to the Committee on For-hire Vehicles.

Preconsidered L.U. No. 74

By Council Member Dromm:

**153 Manhattan Avenue, Block 1843, Lots 14, 15, and 16; Manhattan, Community District No. 7, Council District No. 7.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 75

By Council Member Dromm:

**1025-1027 Leggett Avenue, Block 2720, Lot 41; Bronx, Community District No. 2, Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 76

By Council Member Dromm:

**Livonia Regina, Block 6927, Lot 60; Brooklyn District No. 11, Council District No. 43.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 77

By Council Member Dromm:

**Mosholu Grand, Block 3313, Lots 17 and 18; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 78

By Council Member Dromm:

**Grower-Green, Block 2412, Lots 25, 27, 30, and 33, Block 2413, Lot 31, Block 2421, Lot 35, Block 2424, Lots 6, 9, 12, 14, 16, and 35, Block 2437, Lot 3; Brooklyn, Community District No. 1, Council District No. 34**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 79

By Council Member Salamanca:

**Application No. 20185331 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption for the Disposition Area or Exemption Area pursuant to Section 577 of Article XI of the Private Housing Finance Law, for property located at Block 1729, Lot 49; Block 1822, Lot 15; Block 1924, Lot 104 and Block 2007, Lots 46, 47, and 48), in the Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions & Concessions.



L.U. No. 80

By Council Member Salamanca:

**Application No. 20185332 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption for the Disposition Area pursuant to Section 577 of Article XI of the Private Housing Finance Law, for property located at 615 West 150th Street and 601 West 148th Street, Borough of Manhattan, Community District 9, Council District 7.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions & Concessions.

L.U. No. 81

By Council Member Salamanca:

**Application No. 20185336 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption for the Disposition Area pursuant to Section 577 of Article XI of the Private Housing Finance Law, for property located at 107 West 105th Street (Block 1860, Lot 27) and 981 Amsterdam Avenue – aka 161 West 108th Street (Block 1863, Lot 1), Borough of Manhattan, Community District 7, Council District 7.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions & Concessions.

L.U. No. 82

By Council Member Salamanca:

**Application No. 20185237 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Coliemore Inc., d/b/a Five Mile Stone, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1640 2nd Avenue, Borough of Manhattan, Community Board 8, Council District 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20(b) of the Council and Section 20-226 of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 83

By Council Member Salamanca:

**Application No. N 180157 ZAK submitted by the Thor 280 Richards Street LLC pursuant to Section 62-822(A) of the Zoning Resolution for a waterfront authorization to modify the requirements of Sections 62-50 and 62-332 to facilitate the development of a five-story building on property located at 280 Richards Street (Block 612, Lot 150), Borough of Brooklyn, Community District 6, Council District 38. 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 11.20(b) of the Council and Section 62-822(A) of the Zoning Resolution.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 84

By Council Member Salamanca:

**Application No. C 180063 ZSM submitted by Madison 45 Broad Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-251 and 74-634 of the Zoning Resolution to allow a floor area bonus on a zoning lot where major improvements to adjacent subway stations are provided in accordance with the provisions of Section 74-634, in connection with a proposed mixed-use development on property located at 45 Broad Street (Block 25, Lots 7 and 10), Borough of Manhattan, Community District 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 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 85

By Council Member Salamanca:

**Application No. N 180238 ZRM submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying floor area regulations in the Phase 2 Hudson Boulevard and Park, Borough of Manhattan Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 86

By Council Member Salamanca:

**Application No. C 180088 ZMX submitted by Markland 745 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an M1-2/R6A District, changing from an M1-2 District to an M1-4/R7D District, changing from an M1-2/R6A District to an M1-4/R7D District, and establishing a Special Mixed Use District (MX-1), on property in the vicinity of Willow Avenue and East 133rd Street, Borough of the Bronx, Community District 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 87

By Council Member Salamanca:

**Application No. N 180089 ZRX submitted by Markland 445 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 88

By Council Member Salamanca:

**Application No. 20185334 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 2562, Lots 49, 56, 58 and 60, Community District 1, Borough of the Bronx, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 89

By Council Member Salamanca:

**Application No. C 180127 ZMM submitted by DD West 29th LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District (HRP), Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 90

By Council Member Salamanca:

**Application No. N 180128(A) ZRM submitted by DD West 29th LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District), and related Sections, and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 91

By Council Member Salamanca:

**Application No. C 180129(A) ZSM submitted by DD West 29th LLC 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 Title 62 of the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution in connection with a proposed mixed used development on property located at 601-613 West 29th Street (Block 675, Lots 11, 16, and 19), Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 92

By Council Member Salamanca:

**Application No. C 180150 ZMM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to a C6-4X District and establishing a Special Hudson River Park District, Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 93

By Council Member Salamanca:

**Application No. N 180151(A) ZRM submitted by West 30th Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 9 (Special Hudson River Park District) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 94

By Council Member Salamanca:

**Application No. C 180152(A) ZSM submitted by West 30th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter and modified pursuant to Section 2 06(c)(1) of Title 62 the New York City Rules and Regulations, for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution, in connection with a proposed mixed use development on property located at 606-616 West 30th Street (Block 675, Lots 38 & 39), Borough of Manhattan, Community District 4, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

**NEW YORK CITY COUNCIL**

***ANNOUNCEMENTS***

**Thursday, May 10, 2018**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00am – 11:00am	Taxi & Limousine Commission	For-Hire Vehicles
1:00pm – 2:00pm	Environmental Protection	Environmental Protection

**Friday, May 11, 2018**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00am – 10:45am	Correction	Criminal Justice

**Monday, May 14, 2018**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00am – 12:00pm	Police	Public Safety
1:00pm – 2:00pm	District Attorneys	Justice System
2:00pm – 2:30pm	Office of Criminal Justice	Justice System
2:30pm – 3:30pm	Housing, Preservation & Development	Housing and Buildings
3:30pm – 4:00pm	Buildings	Housing and Buildings

**Tuesday, May 15, 2018**

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....9:30 a.m.

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00am – 12:00pm	Human Resources Administration / Homeless Services	General Welfare
1:00pm – 2:30pm	Children’s Services	General Welfare and Juvenile Justice

3:00pm – 3:45pm	Fire	Fire and Emergency Management
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[Subcommittee on Planning, Dispositions & Concessions](#)

Ben Kallos, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....2:00 p.m.

**Wednesday, May 16, 2018**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00am – 12:00pm	Housing Authority	Public Housing jointly with the Subcommittee on Capital Budget
2:00pm – 4:30pm	Transportation	Transportation jointly with the Subcommittee on Capital Budget

**Thursday, May 17, 2018**

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00pm – 12:00pm	Sanitation	Sanitation and Solid Waste Management
1:00pm – 2:00pm	Citywide Administrative Services	Governmental Operations
2:00pm – 3:00pm	Board of Elections	Governmental Operations
3:00pm – 3:45pm	Campaign Finance Board	Governmental Operations
3:45pm – 4:30pm	Law Department	Governmental Operations

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....11:00 a.m.

**Friday, May 18, 2018**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00am – 11:30am	Health & Mental Hygiene	Health and Mental Health, Disabilities and Addiction
12:00pm – 1:00pm	Libraries	Cultural Affairs

1:00pm – 2:00pm	Cultural Affairs	Cultural Affairs
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**Tuesday, May 22, 2018**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00am – 1:00pm	Education / Schools Construction Authority	Education

**Wednesday, May 23, 2018**

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 Johnson) acknowledged that long-time staffers Margaret Griffin of the Land Use Division and Peg Toro of Administrative Services, were retiring and leaving the Council. As their names were being mentioned, the Chambers broke out in cheers and applause.

The Speaker (Council Member Johnson) described Ms. Margaret Griffin as the unsung hero of the Land Use Division who had been an incredible source of support, kindness, and love for her colleagues on the 16<sup>th</sup> Floor of 250 Broadway as well as for many others at the Council. He praised Ms. Griffin's twenty-eight years of service and recognized her as she stood on the floor to the applause and cheers of those assembled in the Chambers.

The Speaker (Council Member Johnson) commended Ms. Peg Toro for her patience and depth of knowledge when addressing staff questions and concerns regarding pensions, healthcare, and related matters. He praised her as irreplaceable and described her parting as a real loss to the Council.

The Speaker also recognized the departure of staffer Kayla Howell who worked in Scheduling and Advance. Ms. Howell had joined the Council under Speaker Melissa Mark-Viverito and had previously managed former President Bill Clinton's schedule. She is leaving the Council to start a position with the Mayor's Office of Appointments.

The Speaker (Council Member Johnson) thanked all three departing staffers for their service as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 23, 2018.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 241-B, adopted by the Council at the April 11, 2018 Stated Meeting, were signed into law by the Mayor on April 30, 2018 as Local Law No. 91 of 2018.*

*Int. Nos. 612-A, 613-A, 614-A, 630-A, 632-A, 653-A, 657-A, 660-A, 663-A, 664-A, and Preconsidered Int. No. 693, adopted by the Council at the April 11, 2018 Stated Meeting, were signed into law by the Mayor on May 9, 2018 as Local Law Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102 of 2018.*