

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, JULY 24, 2013

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of  
Wednesday, July 24, 2013, 2:42 p.m.*

The President Pro Tempore (Council Member Rivera)  
*Acting Presiding Officer*

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Sara M. Gonzalez	James S. Oddo
Charles Barron	Daniel J. Halloran III	Annabel Palma
Gale A. Brewer	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Margaret S. Chin	Robert Jackson	Diana Reyna
Leroy G. Comrie, Jr.	Letitia James	Donovan Richards
Elizabeth S. Crowley	Andy King	Joel Rivera
Inez E. Dickens	Peter A. Koo	Ydanis A. Rodriguez
Erik Martin Dilan	G. Oliver Koppell	Deborah L. Rose
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Julissa Ferreras	Jessica S. Lappin	Peter F. Vallone, Jr.
Lewis A. Fidler	Stephen T. Levin	James G. Van Bramer
Helen D. Foster	Melissa Mark-Viverito	Mark S. Weprin
Daniel R. Garodnick	Darlene Mealy	Jumaane D. Williams
James F. Gennaro	Rosie Mendez	Ruben Wills
Vincent J. Gentile	Michael C. Nelson	

Excused: Council Members Cabrera, Greenfield, and Vann.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y. 10007.*

**INVOCATION**

The Invocation was delivered Imam Soleiman Konate, Masjid Aqsa, 2136 Frederick Douglass Boulevard, New York, NY 10026.

In the name of the Lord  
of Abraham, Moses, Jesus and Mohammed,

peace be upon them.

By your grace and your mercy,  
we gather here this afternoon  
as legislature and community.

Oh Lord, make this City of New York  
one place of peace and security.

Bless our City Council and provide these members  
with wisdom, vision and patience  
to lead and serve with the people.

Oh Lord, bless you as we ask mercy and grace from yourself  
and facilitate for us our gathering in the right way.

Lord, you alone we ask for help,  
for each and everything.

Oh Lord, bless our City Council  
with its speaker and the members.

Touch their hearts with your power  
and your light for them to serve all New Yorkers  
with love, respect and sincerity. Amen.

Council Member Dickens moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Walter McCaffrey, 64, former New York City Council Member, died on July 10, 2013 at Mt. Sinai Medical Center. The son of Irish immigrants, he became Chief of Staff to former City Council President Andrew Stein and to the late Congressman Thomas Manton. He served in the Council from 1985 to 2001 where he represented the Queens neighborhoods of Long Island City, Sunnyside and Woodside. He was known for his kind heart, sharp wit, and considerable political skills. He was a member of the Land Use, Finance, Public Safety, and Transportation committees as well as chair of the Subcommittee on Zoning and Franchises. He was instrumental in the passage of legislation requiring security cameras at ATMs and banning adult establishments near schools and in residential neighborhoods. He also helped establish the city's first homeless shelter for war veterans. After sharing some personal recollections, the Speaker (Council Member Quinn) yielded the floor to Council Members Van Bramer, Koslowitz, and Brewer who spoke in respectful memory of Walter McCaffrey.

The Speaker (Council Member Quinn) also commemorated the tenth anniversary of the death of New York City Council Member James E. Davis. Council Member Davis, known as an ardent anti-gun violence advocate, was shot and killed in the balcony of the Council Chambers on July 23, 2003. The Speaker (Council Member Quinn) called for a recommitment to reducing gun violence in the City and that such a commitment would be an appropriate and lifelong tribute to his memory and legacy. At this point, the Speaker yielded the floor to Council Members Barron, James, and Comrie who spoke in respectful memory of James E. Davis. The Speaker (Council Member Quinn) also commended NYPD Detective Richard Burt who quickly brought down the assassin and saved others from death and harm that tragic day.

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## ADOPTION OF MINUTES

Council Member Lappin moved that the Minutes of the Stated Meetings of June 12, 17 and 24, 2013 be adopted as printed.

## MESSAGES &amp; PAPERS FROM THE MAYOR

M-1179

**Communication from the Mayor - Submitting the name of Philip Aarons to the Council for its advice and consent regarding his re-appointment as a lay member of the New York City Art Commission.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges & Elections.

M-1180

**Communication from the Mayor - Submitting the name of Dr. Lynne D. Richardson to the Council for its advice and consent regarding her re-appointment to the New York City Board of Health.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges & Elections.

M-1181

**Communication from the Mayor - Submitting the name of Roberta Washington to the Council for its advice and consent regarding her re-appointment to the New York City Landmarks Preservation Commission.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Rules, Privileges & Elections.

M-1182

**Communication from the Mayor - Transmitting proposed maritime lease between the City of New York (the "City"), acting by and through its Department of Small Business Services as landlord and Hornblower New York, as tenant for the berth areas and other improvements located along the East River Waterfronts Esplanade on the newly constructed Pier 15, pursuant to Section 1301(2)(f) of the City Charter.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Referred to the Committee on Land Use.

M-1183

**Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 1079 - in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the New York City police department by the commissioner of the department of investigation.**

July 23, 2013

Michael McSweeney  
City Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Transmitted herewith are the bills disapproved by the Mayor. The bills are as follows:

**Introductory Number 1079**

A local law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

**Introductory Number 1080**

A local law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling.

Sincerely,

Patrick A. Wehle

**(The following is the text of the Mayor's Veto and Disapproval Message for Int No. 1079; for the text of the Mayor's Veto and Disapproval Letter for Int No. 1080, please see M-1184 printed below in these Minutes).**

July 23, 2013

Hon. Michael McSweeney

City Clerk and Clerk of the Council 141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 1079, which would amend sections 803 and 804 of the New York City Charter to require the Department of Investigation ("DOI") to conduct broad oversight and investigation of the New York City Police Department.

Introductory No. 1079 would require the DOI Commissioner to appoint an individual whose job would be, "on an ongoing basis, [to] investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department . . . ." The Commissioner would be required to report to the City Council the "identity and qualifications of the individual responsible for the implementation of these duties, the number of personnel assigned to assist that individual, and the details of the management structure covering them." The bill would require the Civilian Complaint Review Board and the Chief of the NYPD's Internal Affairs Bureau ("IAB") to report to DOI "any problems or deficiencies" in any Police Department "operations, policies, programs and practices" that they have reason to believe would adversely affect "the effectiveness of the [NYPD], public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force . . ." For every investigation, review, study or audit performed under this bill, DOI would be required to issue a report to the Police Commissioner, the Mayor, and the City Council, and the Police Commissioner would have to respond in writing within 90 days to the-DOI Commissioner, the Mayor, and the City Council. Additionally, DOI would be required to issue an annual report summarizing its activities under this new provision of the Charter. All these reports would have to be posted publicly on the DOI website, although the Mayor, in consultation with the NYPD and DOI, could establish guidelines for how "sensitive information" such as ongoing investigations, undercover operations, or counterintelligence matters would be treated in such reports. Finally, the bill would require DOI to set up a link on its website for filing complaints, and those making complaints could do so anonymously.

New York is the safest big city in the country, and the NYPD is the most professional and most effective police department in the country. It is also subject to more internal and external oversight than any other police department in the United States. While most New York City agencies have an Inspector General which is part of the Department of Investigation, the NYPD has a sizeable and robust Internal Affairs Bureau to investigate allegations of corruption and misconduct within the Department. The staff of the Internal Affairs Bureau is far larger than that of any of the City's Inspectors General, with approximately 700 personnel and a budget of nearly \$70 million. Indeed, IAB is roughly twice the size of the entire Department of Investigation. Moreover, under this Administration, IAB's budget has increased roughly sixty percent.

There are also multiple levels of oversight outside the NYPD. The Civilian Complaint Review Board, which investigates complaints by members of the public against police officers, has subpoena power, and—pursuant to an agreement last year between the NYPD, the CCRB, the Mayor and the Speaker—brings disciplinary actions where warranted. The Commission to Combat Police Corruption, which investigates police policies and procedures that implicate issues of possible corruption, also has subpoena power through DOI, and it should be noted that the Commission received additional resources to hire four new attorneys last year. There are also five District Attorneys in New York City and the two United States

Attorneys in the Southern and Eastern Districts of New York, all of whom have jurisdiction to investigate and bring appropriate legal actions against members of the NYPD. There is no need for additional oversight of the NYPD.

Tellingly, Introductory No. 1079 never uses the term "Inspector General," probably because the bill would create not an Inspector General but, instead, an official to rival the Police Commissioner on matters of law enforcement policy and strategy. The traditional role of an Inspector General is to investigate corruption and other criminal activity, fraud, waste and unethical conduct, and that is how DOT's Inspectors General function with respect to city agencies. But this bill would go far beyond what DOI and its Inspectors General do. It would authorize a new official at DOI to investigate and make recommendations about every police operation, policy, program and practice—in short, everything the Police Department does, including and especially how it prevents and investigates crime and terrorist threats. Doing so would create confusion within the Police Department about whose policies to follow—the Police Commissioner's or this new official's—and would make it harder for the Police Commissioner to maintain unity of command and enforce accountability. The consequences would be chaotic, dangerous, and even deadly for our police officers and for our city.

The resources needed to implement this bill's requirements, meanwhile, would be enormous. The bill would require DOI to create a new office to perform oversight much different and far broader than DOI's traditional role, requiring the assignment of large numbers of personnel and substantial investigative resources. It would strain DOT's ability to fulfill its obligations to provide oversight to all the other mayoral agencies, boards, commissions and contractors. Meanwhile, the NYPD would have to satisfy a potentially unlimited number of demands from this new DOI official: document requests, requests for personnel interviews requests for observations of police operations and tactics, and any other accommodation or information sought. The bill would thus waste scarce NYPD resources by forcing the NYPD to devote the time of uniformed and civilian staff to satisfying these requests and responding to the recommendations of an external office with no boundaries on its portfolio.

Finally, a particularly serious concern about the bill is that it would harm the City's ability to protect New Yorkers from terrorism. By requiring outside oversight, the bill would jeopardize vital relationships that the NYPD builds and maintains with its law enforcement partners at every level of government, extending even to its groundbreaking and critical liaison relationships with law enforcement agencies around the world. A key element of the Police Department's efforts to protect the City from terrorist attacks is its ability to work closely with other law enforcement agencies, in a manner that respects the sensitivity and confidentiality of the information shared. The potential for unlimited oversight by DOI, not only of the NYPD but also of its partners, would undoubtedly chill, and possibly destroy, the willingness of other agencies to participate with New York City's Police Department in this crucial work. While the bill contains language permitting the Mayor to establish protocols for the treatment of sensitive information in DOT's reports, that language simply does not address the concerns other law enforcement agencies will have about being monitored by, and effectively having to share information with, the new DOI office assigned to the NYPD.

Introductory No. 1079 is a dangerous and irresponsible bill that would make New Yorkers less safe. It is disapproved.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee of the Whole.

M-1184

**Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 1080 - in relation to prohibiting bias-based profiling.**

July 23, 2013

Hon. Michael McSweeney  
City Clerk and Clerk of the Council 141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 1080, which would amend Administrative Code § 14-151, the City's existing prohibition on racial and ethnic profiling by police officers, to permit lawsuits against individual police officers and the Police Department for "bias-based profiling."

Introductory No. 1080 would define "bias-based profiling" as an act by a law enforcement officer that "relies on actual or perceived race, national origin, color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status as the determinative factor in initiating law enforcement action against

an individual," and the bill further defines "housing status" to include, among other things, being homeless or having a home, living in public housing, and owning or renting a home. The bill then would create two private causes of action. The first would permit a plaintiff to sue individual police officers or the Police Department for allegations of intentional bias-based profiling. The second would permit lawsuits against the Police Department alleging that "a policy or practice . . . or policies or practices within the Police Department regarding the initiation of law enforcement action has had a disparate impact" on any of the categories set forth in the bill's definition of bias-based profiling.

New York City is the safest big city in the country, and year after year our neighborhoods and streets have become even safer. Last year, there were an all-time low 419 murders, and so far this year the number of murders is down 28% compared to last year. The number of shootings last year was also a record low, and so far this year the number of shootings is 28% lower than it was at this time last year. These numbers mean lives: between 2002 and 2012, we saved 7,364 lives that would have been lost if the murder rate had been the same as it was in the ten years before 2002. Public safety is the foundation of everything the City has accomplished over the last eleven years, and New York City's success in preventing crime has been predicated on targeted policing, with data-driven strategies based upon where crime is occurring.

Introductory No. 1080 would imperil the hard-earned gains we have made and would seriously impede the ability of the Police Department and the City to protect 8.4 million New Yorkers. It is poorly conceived, overly broad, and preempted by state law. It would also unleash an avalanche of lawsuits against police officers and the Police Department, redirecting the City's fiscal resources to attorneys commencing the lawsuits and the expert witnesses retained by those attorneys, and away from supporting public schools and afterschool programs, facilities for the elderly, parks, and other essential City services.

The bill would expand the categories of people covered in the law so that virtually everyone in New York City could sue the police about any action a police officer might take, and it would authorize lawsuits against individual police officers. From the police officer's perspective, then, every officer acting on a description that includes some characteristic of a possible perpetrator would have to think about whether taking action will result in a lawsuit. The specter of the new lawsuits this bill would engender would make police officers hesitate to act on information that would prevent crime or apprehend criminals, and it would therefore endanger the proactive policing that has been crucial to New York City's success in preventing crime.

The disparate impact lawsuits that would be created by this bill, meanwhile, would pose a threat to the Police Department's ability to implement strategies that keep New Yorkers safe. The bill would permit disparate impact challenges to *any* "policy or practice" of the Police Department based simply upon statistical disparities. But targeting particular areas or types of criminals, which is essential to effective policing, could frequently give rise to allegations of disparate impact on some group or groups mentioned in the bill. Patrol strategies, investigations, arrests, the deployment of police resources to particular neighborhoods or areas, the use of cameras in high crime neighborhoods, even counterterrorism intelligence-gathering or surveillance operations: all could be subject to legal challenge based on the claim that police activities have a disparate impact by gender, or age, or religion, or housing status, or any of the categories set forth in the bill. Furthermore, the bill is entirely unclear about what would constitute a "disparate impact." While the bill says that "the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population is not alone sufficient to establish a prima facie case of disparate impact violation unless the general population is shown to be the relevant pool for comparison," it does not say what *is* the relevant "imbalance" that would establish a disparate impact. The Police Department would therefore be left wondering how it is supposed to know whether any strategy it adopts will become the subject of a disparate impact claim. And judges would have unprecedented leeway to decide what statistical imbalances they believe are important, thus giving them, rather than the Mayor and Police Commissioner, the final say over how to target criminal activity. The problem is compounded even further by language in the bill permitting plaintiffs to propose "an alternative policy or practice with less disparate impact." The Police Department would then have to prove that the alternative proposal would not "serve the law enforcement objective as well" as the Department's challenged policy would. This language would result in courts second-guessing police strategy based upon suppositions about what would happen if a hypothetical alternative strategy were adopted. Thus, this bill is practically an explicit invitation to judges to impose their own law enforcement policy preferences on the Police Department and, ultimately, the citizens of New York City.

Furthermore, the bill's awarding of fees to plaintiffs' lawyers would create a significant incentive for lawsuits to be filed. The bill contains a provision awarding not only attorney fees but also expert witness fees to plaintiffs' attorneys. In this regard, the bill is far more generous to plaintiffs' attorneys than the federal statute that authorizes lawsuits for the deprivation of civil rights, 42 U.S.C. § 1983, which does not permit the recovery of expert witness fees. Plaintiffs' lawyers would have an incentive to come up with creative statistical analyses to file disparate impact lawsuits with the hope of obtaining the fees this bill would authorize. Police officers would have to spend time in courtrooms rather than on the streets fighting crime. And the City would not only be forced to devote large amounts of money and resources to defend against the predictably numerous and burdensome litigations that would result from this bill, but also potentially to pay the expensive attorney and expert fees this bill authorizes courts to award to plaintiffs.

Finally, Introductory No. 1080 is legally untenable because it seeks to legislate in an area that is wholly preempted by state law. Introductory No. 1080 is, in essence, an effort to regulate the procedures governing the provision of law enforcement and the administration of criminal justice in the City of New York. These procedures,

however, are not a subject within the purview of local law; rather, they are exclusively governed by state law.

The state Criminal Procedure Law is an elaborate and comprehensive set of laws that was intended to govern all matters of criminal procedure in the State of New York. For example, section 140.50 of the Criminal Procedure Law governs the stopping and questioning of persons by police officers. It specifies the conditions under which a stop may lawfully be made and the conditions when an officer may lawfully search a person. By imposing new restrictions on the use of stop, question and frisk as an enforcement tool, Introductory No. 1080 seeks to legislate in an area that has been wholly occupied by the State. Of course, because the scope of the bill includes all actions taken by police officers and other law enforcement officers, the legal problems with Introductory No. 1080 are not confined to stop, question and frisk. The Criminal Procedure Law regulates all aspects of criminal proceedings, and it preempts local legislation on any aspect of the criminal process from an initial stop to post-judgment proceedings. Regulating criminal procedure is not a role for a local legislative body. To the extent Introductory Number 1080 is an attempt to take on this role, it is unlawful.

Introductory No. 1080 is a dangerous and irresponsible bill that will make New Yorkers less safe. It is disapproved.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee of the Whole.

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

M-1185

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Antonio’s New York City Car Service, Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

July 16, 2013

The Honorable Speaker Christine C. Quinn  
Attention: Mr. Gary Altman  
Council of the City of New York  
250 Broadway, 15<sup>th</sup> Floor  
New York, New York 10007

Re: Taxi & Limousine Commission  
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on June 20, 2013 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (7):	LICENSE #	COUNCIL DISTRICT
Antonio’s New York City Car Service, Inc.	B02621	21
Black Sea Cars Inc.	B02640	43
La Rebanca Corp.	B02628	43
New College Car Service Inc.	B02653	16
Passenger One L.L.C.	B02603	47
Sutphin Car Service Inc.	B02624	28
Twenty Four 7 Service Inc.	B02620	49

RENEWALS (35):	LICENSE #	COUNCIL DISTRICT
1431 Car Service Inc. D/b/a Three Guys Car Service	B00983	46
Alex II	B01195	43
Americana Transportation L.L.C.	B1013	44
A New Day Radio Dispatch Inc.	B01341	1
Bamadu Car Service	B00746	28
Belle Management Corp. D/b/a Glen Belle Car Service	B01250	23
Bliss 48 Inc.	B01103	26
Boerum Hill Car & Limo. Service	B02337	33
B.Q. N. Car Service Corp.	B01051	17
Castle Car Service, Inc.	B00827	38
Deborah Car & Limousine Service Inc.	B01326	22
Dyker Express Inc.	B01353	43
Express 11 Car Service Inc.	B02213	39
Hillside 24 Hours Radio Dispatch Inc.	B01048	24
Hummingbird Car Service	B00106	45
Jaffa Car & Limo. Service Inc.	B00160	48
James A. Leasing Inc.	B02197	26
La Poblana Car Service Corp.	B02206	37
Lincoln Limo. Brok’age Inc.	B01489	22
Magnificent 7’s Enterprise Inc.	B00855	31
M & H Car Service Corporation	B02043	26
Merrick Car Service Inc.	B00346	27
My Street Car & Limousine Service Inc.	B02089	26
New Family Radio Dispatch Inc.	B01527	6
New Fat Inc. D/b/a Elegante	B02229	18
Pia Car Limo. Inc.	B02346	40
Puebla Express Corp.	B01996	39
Reyno Car Service Inc.	B00222	10
Shaheeda Corp. D/b/a Jamaica Express #2 Car Service	B01569	28
T.J.Q. Car Service, Inc. D/b/a Quality Car Service	B00975	45
Tremont Dispatching Corp.	B00030	13
V.I.T. Car Service, Inc.	B01315	18

Watson Car Service Inc.	B00310	18
Winthrop Holding of New York, Inc.	B00536	46
Zion Car Service Inc.	B01029	39
<b>RENEWAL &amp; NAME CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Haderech Inc.	B01351	44
<b>RENEWAL &amp; OWNERSHIP CHANGE (7):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
All Queens Car & Limousine Inc. D/b/a Car On Time	B02219	26
Bell Car Service Inc.	B00802	38
Eilat Transportation Corp. D/b/a Manhattan Car Service	B01243	44
New Harlem Car Service Inc.	B01355	9
Seaman Radio Dispatchers Inc.	B00860	10
Tov Too Transportation Inc.	B01685	44
V.J. Car & Limo. Service Inc.	B02093	28
<b>RELOCATION (2):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Economy Car Service L.L.C.	B02377	17
NY Minute Car Service	B02509	23
<b>RELOCATION &amp; OWNERSHIP CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Jupiter Car Service Corp.	B02450	38

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Allison Siegel  
 Assistant Commissioner  
 Licensing & Standards Division  
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-1186

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Black Sea Cars Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1187

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license La Rebancha**

**Corp., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1188

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license New College Car Service Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1189

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Passenger One L.L.C., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1190

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Sutphin Car Service Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1191

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Twenty Four 7 Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1192

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 1431 Car Service Inc. D/b/a Three Guys Car Service, Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1193

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Alex II, Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1194

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Americana Transportation L.L.C., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1195

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license A New Day Radio Dispatch Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1196

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bamadu Car Service, Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1197

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Belle Management Corp. D/b/a Glen Belle Car Service, Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1198

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bliss 48 Inc.,

Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1199

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Boerum Hill Car & Limo. Service Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1200

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license B.Q.N. Car Service Corp., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1201

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Castle Car Service, Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1202

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Deborah Car & Limousine Service Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1203

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Dyker Express Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1204

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Express 11 Car Service Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1205

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Hillside 24 Hours Radio Dispatch Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1206

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Hummingbird Car Service, Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1207

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Jaffa Car & Limo. Service Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1208

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license James A. Leasing Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1209

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La Poblana Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1210

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lincoln Limo. Brok'age Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1211

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Magnificent 7's Enterprise Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1212

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license M & H Car Service Corporation, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1213

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Merrick Car Service Inc., Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1214

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license My Street Car & Limousine Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1215

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Family Radio Dispatch Inc., Council District 6, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1216

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Fat Inc. D/b/a Elegante, Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1217

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Pia Car Limo. Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1218

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Puebla Express Corp., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1219

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Reyno Car Service Inc., Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1220

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Shaheeda Corp. D/b/a Jamaica Express #2 Car Service, Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1221

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license T.J.Q. Car Service, Inc. D/b/a Quality Car Service, Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1222

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Tremont Dispatching Corp., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1223

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license V.I.T. Car Service, Inc., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1224

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Watson Car Service Inc., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1225

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Winthrop Holding of New York, Inc., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1226

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Zion Car Service Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1227

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license Haderech Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1228

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license All Queens Car & Limousine Inc. D/b/a Car On Time, Council District 26 pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1229

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Bell Car Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1230

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Eilat Transportation Corp. D/b/a Manhattan Car Service, Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1231

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license New Harlem Car Service Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1232

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Seaman Radio Dispatchers Inc., Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1233

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Tov Too Transportation Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1234

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license V.J. Car & Limo. Service Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1235

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation change base station license Economy Car Service L.L.C., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1236

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation change base station license NY Minute Car Service, Council District 23, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1237

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license Jupiter Car Service Corp., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1185 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

**REPORTS OF THE STANDING COMMITTEES**

**Reports of the Committee on Finance**

Report for Int. No. 1064

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.**

The Committee on Finance, to which the annexed proposed local law was referred on June 12, 2013 (Minutes, page 1943), respectfully

**REPORTS:**

Today, the Finance Committee will consider Int. 1064, a Local Law in relation to the transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.

**I. Alternative Veteran’s Exemption**

In 1984, the State Legislature amended the Real Property Tax Law (RPTL) to provide an alternative veterans exemption to veterans.<sup>1</sup> The alternative veteran’s exemption is based on a percentage of assessment value, subject to maximum levels of exemptions. The alternative veteran’s exemption is limited to the primary residence of a veteran and is available to property (including cooperative apartments) owned by honorably discharged veterans (or certain members of their family) who served during specified periods of war or under certain other conditions.<sup>2</sup>

In general, a qualified wartime veteran’s property receives an exemption of 15% of its assessed value not to exceed the maximum levels adopted.<sup>3</sup> An additional 10% exemption is available where the veteran can document service in a combat zone or theatre. An additional exemption is for veterans who received a service-connected disability compensation rating from the Veterans Administration or the Department of Defense. The percentage for this exemption is equal to one half of the veteran’s disability rating.

Currently, there are approximately 63, 000 veterans in New York City who receive a veterans property tax exemption. The average benefit provided under this exemption is \$361.

**II. Filing Deadline for the Alternative Veteran’s Exemption**

Pursuant to section 458-A of the RPTL, the application for filing the veteran property tax exemption must be filed by March 15<sup>th</sup> in order for such exemption to apply to the new fiscal year beginning on July 1<sup>st</sup>. If a property owner moves or files an application after March 15<sup>th</sup>, the exemption will not apply to the property for which the owner applies until the subsequent July 1<sup>st</sup>. This lag results in an individual waiting up to 16 months for their property tax exemption to apply to the property, and, a property owner must pay the property taxes on such property without

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<sup>1</sup> Chapter 525 of the New York Laws of 1984;

<sup>2</sup> Persian Gulf Conflict (beginning August 2, 1990); Vietnam War (February 28, 1961 to May 7, 1975); Korean War (June 27, 1950 to January 31, 1955); World War II (December 7, 1941 to December 31, 1946); World War I (April 6, 1917 to November 11, 1918); and Mexican Border Period (May 9, 1916 to April 5, 1917). Veterans who received an Armed Forces Expeditionary Medal, a Navy, Marine Corps, or Global War on Terrorism Expeditionary Medal (not Service Medal) may also qualify.

<sup>3</sup>Served during a specified period of conflict: 15% of AV; maximum exemption amount is \$4,140 for Class 1, and \$16,200 for Classes 2 and 4. If served in a combat zone: Additional 10% of AV; maximum exemption amount is \$2,760 for Class 1, and \$16,200 for Classes 2 and 4. If disabled: Assessed value X 50% of veteran’s disability rating; maximum exemption amount is \$13,800 for Class 1, and \$81,000 for Classes 2 and 4.

the benefit of the exemption even though the owner is eligible and has submitted an application.

In 2006, recognizing the burden this lag time places on a property owner, the State Legislature adopted legislation to allow municipalities to adopt a local law to allow recipients of the veterans property tax exemption to have their exemption transferred, without delay, and prorated to the replacement residence when the veteran or eligible relative sells the property and purchases a replacement within the same City. This allows continuity of the exemption, without interruption upon moving.

**III. Int. 1064**

This legislation acts on the authority provided in the State law and provides that once a veteran moves into newly purchased property within the five boroughs of New York City and informs the Department of Finance (“DOF”) of the move, the veteran’s exemption will be prorated and transferred immediately to the new residence. Once a vet informs DOF of the move, the exemption will be reflected in the next property bill paid by the vet.

The prorated transferred exemption will be calculated by multiplying the old property’s tax rate by the previously-granted exempt amount (i.e., the exempt assessed value granted to the former property) multiplied by the fraction of the fiscal year(s) remaining after the transfer of title to the veteran. To continue to receive the exemption thereafter, the veteran must file a new veteran’s application with DOF on or before the succeeding application deadline, March 15<sup>th</sup>

The legislation also requires DOF Commissioner to promulgate rules to implement this legislation, and such rules shall include, but not be limited to, provisions describing the process by which any such veteran, spouse of the veteran or unmarried surviving spouse transferring an exemption pursuant to subdivision one of this section notifies the commissioner of the purchase of new property within the city.

Int. 1064 will take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2014.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1064:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFF RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO.: 1064  
COMMITTEE: Finance

**TITLE:** A LOCAL LAW to amend the administrative code of the city of New York, in relation to the transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.

**SPONSOR:** Council Member Ignizio, The Speaker (Council Member Quinn), Recchia, Oddo, Arroyo, Chin, Comrie, Dickens, Eugene, Fidler, Koo, Lander, Palma, Richards, Vann and Halloran

**SUMMARY OF LEGISLATION:** This legislation would add a new section 11-245.9 to the Administrative Code of the City of New York to allow a property owner who receives an exemption under section 458-a of the New York State Real Property Tax law (also known as the alternative veteran’s exemption), to transfer that exemption when they sell and buy a new home and to have that transfer effective and prorated to the date the owner obtains title to the new home. Currently, the transfers are only effective at the beginning of the next fiscal year for which the Department of Finance is accepting new exemption applications. In some cases, that may mean the property owner would have to wait over a full calendar year to receive the benefit on the new property.

**EFFECTIVE DATE:** This legislation would take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2014.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues (+)	\$0	De minimis	De minimis
Expenditures (-)	\$0	\$0	\$0
Net	\$0	De minimis	De minimis

**IMPACT ON REVENUES:** There will be a de minimis impact on revenues as the number of properties to be impacted is expected to be small. While some of the transfers will be to higher value properties (resulting in higher values of exemption) as some homeowners move up, it is expected that a number of owners will be downsizing their home in the transfer, meaning that on average, there is minimal expected value change when an exemption is transferred.

**IMPACT ON EXPENDITURES:** The Department of Finance will handle the transfers with existing resources, so there is no expected impact on expenditures as a result of enactment of this legislation.

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

**SOURCE OF INFORMATION:** New York City Mayor's Office of Legislative Affairs  
New York City Office of Management and Budget  
New York City Council Finance Division

**ESTIMATE PREPARED BY:** Emre Edev, Senior Legislative Financial Analyst, Revenue  
City Council Finance Division

**ESTIMATE REVIEWED BY:** Raymond Majewski, Chief Economist/Deputy Director, Revenue, City Council  
Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division, City Council Finance Division

**DATE SUBMITTED TO COUNCIL:** June 12, 2013

**HISTORY:** Introduced as Intro. 1064 by the Council on June 12, 2013 and referred to the Committee on Finance. The legislation will be considered by the Committee on July 24, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

describing the process by which any such veteran, spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to subdivision one of this section notifies the commissioner of the purchase of new property within the city.

§3. This local law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2014.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, July 24, 2013.

On motion of the Speaker (Council Member Quinn), 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 Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered Int. No. 1120

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.**

The Committee on Finance, to which the annexed proposed local law was referred on July 24, 2013, respectfully

#### REPORTS:

Today, the Finance Committee will consider legislation in relation to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.

#### I. Background

On the evening of Monday, October 29<sup>th</sup>, SuperStorm Sandy brought a catastrophic and unprecedented storm surge of epic proportions to New York City, causing massive flooding and extensive property damage, including flooding, collapsed roofs, and other extensive structural property damage, which in hundreds of cases, resulted in complete property loss.<sup>1</sup> Although SuperStorm Sandy effectively left the city on October 30<sup>th</sup>, the effects of SuperStorm Sandy still remain.

Real property taxes billed for fiscal year 2013 are based on the condition of the real property on the fiscal year 2013 taxable status date of real property in New York City, January 5, 2012.

Since the values for these properties were determined before SuperStorm Sandy, many property owners are currently paying property taxes on properties at their Pre-Sandy values, which do not affect their current condition. Current law does not provide a mechanism for reducing the assessed valuation of real property and the tax based thereon for fiscal year 2013 to reflect the serious damage and resulting decrease in value that was inflicted on real property by SuperStorm Sandy.

In order to provide real property tax relief to owners and tenant-stockholders of properties determined by the Department of Buildings to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of SuperStorm Sandy, the Council and the Administration worked with the State Legislature to introduce legislation, A.7995/S.3702-B ("State Legislation"), sponsored by Assemblyman Sheldon Silver and Senator Andrew Lanza, respectively, that would allow New York City to adopt a local law to provide a rebate of real property taxes to owners and tenant-stockholders of eligible properties. The amount of the rebate reflects the reduction in value of the improvements on eligible property for a period of eight months (two-thirds of a year) from the date of SuperStorm Sandy to the end of fiscal year 2013. The rebate would provide much needed relief to some of our most devastated citizens.

On June 17, 2013, and June 20, 2013, the State Legislation was passed by the Assembly and Senate, respectively, and is currently awaiting the Governor's signature. The State Legislation will take effect immediately upon the Governor's signature.

#### II. Preconsidered Int. 1120

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1064:)

Int. No. 1064

By Council Member Ignizio, The Speaker (Council Member Quinn), Recchia, Oddo, Arroyo, Chin, Comrie, Dickens, Eugene, Fidler, Koo, Lander, Palma, Richards, Vann, Dromm, Van Bramer, Gentile, Nelson, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.**

Be it enacted by the Council as follows:

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.9 to read as follows:

§11-245.9 *Alternative exemption for veterans; transfer of title.* 1. Pursuant to subdivision eight of section four hundred fifty-eight-a of the real property tax law, where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption pursuant to such section sells the property receiving such exemption and purchases property within the city, the department of finance shall transfer and prorate, for the remainder of the fiscal year, the exemption received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate for which taxes were levied, on the appropriate tax roll used for the fiscal year during which the transfer occurred, multiplied by the previously granted exempt amount, multiplied by the fraction of each fiscal year remaining subsequent to the transfer of title.

2. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to subdivision one of this section shall reapply for the exemption authorized pursuant to section four hundred fifty-eight-a of the real property tax law on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse wishes to receive the exemption in future fiscal years.

§2. The commissioner of finance shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to, provisions

The Preconsidered Intro would act on the authority provided in the State Legislation.

Section one of this bill adds a new section 11-240 to the Administrative Code to grant a one-time non-refundable rebate of real property taxes to an owner, co-op shareholder, or trustees of certain eligible property who has an annual tax liability and who owned such property on October 30, 2012.

Eligible properties include Class 1, 2, and 4 properties that:

- a. the Department of Buildings determined, between November 1, 2012 and November 30, 2012, to be seriously damaged and unsafe due to SuperStorm Sandy and posted a red placard; or
- b. the Department of Buildings determined, between November 1, 2012 and November 30, 2012, to require repairs or have a restricted area due to SuperStorm Sandy according to DOB's records or evinced by a DOB-issued yellow sticker, AND subsequent to such determination, DOB made another determination between December 1, 2012 and December 28, 2012 that such property was seriously damaged, unsafe to enter or occupy, or demolished due to SuperStorm Sandy according to DOB's records or evinced by a DOB-issued red sticker.

The amount of the rebate would equal 2/3 of the annual tax liability that is attributable to the portion of assessed valuation of the improvement on the property, with the following caveats:

- a. For Class 1 house structures owned as co-ops in bungalow colonies (eg. Breezy Point): The rebate would equal to 2/3 of the annual tax liability of the entire co-op building that is attributable to the portion of assessed valuation of the improvement on the property multiplied by a fraction (numerator: the number of buildings that received red tags in the co-op building; denominator: total number of bungalows in the co-op building on October 28, 2012) divided by the number of bungalows that received red tags. In other words, the rebate for the eligible buildings in these communities will all be the same and reflect what the average rebate would be in that community. This is a reflection of the limited valuation data the City has for the individual buildings in the community (they are nominally assessed in aggregate).
- b. For Class 2 co-ops: The rebate, per unit, would be provided proportionally based on the shares owned.

The legislation also provides that overpayments or erroneous payments to an owner shall be noticed to the owner, and payment shall be made to the Department of Finance. Non-payment shall constitute a tax lien on the property, and be eligible for the tax lien sale (if the property contains other qualifying charges).

The legislation also provides that if the assessed valuation of a property is challenged, and such challenge results in a return of the overpayment of taxes paid by an owner, the amount returned to the owner will be reduced by the amount of the rebate provided to such owner.

The legislation also provides that the rebate will be mailed to the building or unit owner's address on file with the Department of Finance (or on the latest assessment roll).

Section two provides for the bill to take effect on the same date as the State Legislation takes effect.

<sup>1</sup>See [SuperStorm Sandy Slams Small Business: 'Losing My Business Means Losing My House'](http://www.huffingtonpost.com/2012/11/02/ice-cream-puddle-rice-ca_n_2060539.html), available at [http://www.huffingtonpost.com/2012/11/02/ice-cream-puddle-rice-ca\\_n\\_2060539.html](http://www.huffingtonpost.com/2012/11/02/ice-cream-puddle-rice-ca_n_2060539.html) (last accessed July 19, 2013).

(The following is the text of the Fiscal Impact Statement for Int. No. 1120:)

THE  
OF THE CITY  
YORK  
FINANCE  
PRESTON



COUNCIL  
OF NEW  
DIVISION  
NIBLACK,

DIRECTOR  
JEFF RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PRECONSIDERED INTRO.: \_\_\_\_\_  
COMMITTEE: Finance

TITLE: A LOCAL LAW to amend the administrative code of the city of New York, in relation to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.

SPONSOR: Council Members Oddo, Recchia, The Speaker (Council Member Quinn), and Ignizio (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would add a new section 11-240 to the Administrative Code of the City of New York that would direct the Commissioner of Finance to provide a partial rebate on the property tax to properties heavily damaged by SuperStorm Sandy. The rebate would be equal to two-thirds of the Fiscal 2013 tax bill attributable to the value of the improvement on the property. Properties eligible for the rebate would be those that the Department of Buildings (DOB) either noted were substantially damaged or received a red tag in November 2012, or those that received a yellow tag in the same period but was subsequently changed to a red tag during the period from December 1, 2012 to December 28, 2012. Rebates will be mailed directly to owners of the property, or in the cases of coops, the owners of the units. For bungalow communities organized as coops, like Breezy Point, the rebate will only go to owners of buildings that received the eligible tag or designation from DOB.

**EFFECTIVE DATE:** This local law shall take effect on the same date as a chapter of the laws of 2013 amending the real property tax law relating to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more, as proposed in legislative bill number S.3702-B, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues (+)	-\$2,178,109	\$0	-\$2,178,109
Expenditures (-)	<i>De minimis</i>	\$0	<i>De minimis</i>
Net	-\$2,178,109	\$0	-\$2,178,109

**IMPACT ON REVENUES:** Rebates are expected to be sent to properties on 569 tax lots (some properties, such as the Breezy Point bungalow community have more than one rebate eligible building on the tax lot) with the total rebate amount to be \$2,178,109. It should be noted that the rebate amounts and recipients are still being finalized and may vary slightly when the rebates are actually sent. However, at time of adoption, this is the best estimate available.

**IMPACT ON EXPENDITURES:** The Department of Finance will issue the rebate with existing resources and the cost of mailing the rebates is expected to be de minimis.

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

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

**ESTIMATE PREPARED BY:** Emre Edev, Senior Legislative Financial Analyst, Revenue  
City Council Finance Division

**ESTIMATE REVIEWED BY:** Raymond Majewski, Chief Economist/Deputy Director, Revenue, City Council Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division, City Council Finance Division

**DATE SUBMITTED TO COUNCIL:** June 24, 2013

**HISTORY:** This legislation will be considered by the Committee as a Preconsidered Intro on July 24, 2013. On July 24, 2013, upon a successful vote by the Committee, the legislation will be submitted to the Full Council for introduction and a vote.

Accordingly, this Committee recommends its adoption.

**Attachment to Committee Report: Mayoral Memorandum in Support****MEMORANDUM IN SUPPORT**

**TITLE:** A LOCAL LAW to amend the administrative code of the city of New York, in relation to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve

**SUMMARY OF PROVISIONS:**

Section one of this bill adds a new section 11-240 to the Administrative Code to grant a rebate of real property taxes for any tax lot in the city that, as of the taxable status date for assessment of real property in the City of New York for fiscal year 2013, covering the period between July 1, 2012 and June 30, 2013, contained property on which there is a building that the Department of Buildings, after inspection, has, during the period between November 1, 2012 and November 30, 2012, determined either (a) that a building on the tax lot was seriously damaged and is unsafe to enter or occupy or was completely demolished as a result of the effects of Hurricane Sandy and such determination has been indicated by a notation on Department of Buildings records and/or by the posting of a red placard warning on the building; or (b) that a building on the tax lot requires repairs or has a restricted area, and such determination has been indicated on Department of Buildings records and/or by the posting of a yellow sticker on the building, and, during the period beginning December 1, 2012 and ending December 28, 2012, the Department of Buildings determined the building to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of Hurricane Sandy, and such determination has been indicated by a notation on Department of Buildings records and/or by the posting of a red placard warning on the building.

The bill provides that the rebate be paid to the owner who owned the building on October 30, 2012. The amount of the rebate is equal to two-thirds of that portion of the annual tax on an eligible real property that is attributable to the assessed valuation of the improvements on the property. With respect to eligible cooperative property, each unit owner is entitled to that portion of the rebate calculated for the entire property that is attributable to the unit, as determined by the proportion of the shares of stock representing the unit to the total outstanding stock of the cooperative corporation. With respect to real property described in paragraph (c) of subdivision 1 of section 1802 of the Real Property Tax Law, that is, residential real property consisting of one-family owner-occupied houses situated on land held in cooperative ownership by owner occupiers that constituted bungalow colonies in existence prior to 1940, the amount of the rebate is calculated to reflect cases in which only some of the houses located in the cooperative development meet the bill's definition of eligible real property. For such property, the amount of the rebate is equal to two-thirds of that portion of the annual tax on the entire cooperative development of which the owner's building is a part, that is attributable to the assessed valuation of the improvements on the cooperative development, multiplied by a fraction, the numerator of which is equal to the number of buildings in the cooperative development that were designated by the Department of Buildings as described above, and the denominator of which is the total number of buildings that were located in the cooperative development as of October 28, 2012, the day immediately prior to the onset of Hurricane Sandy, divided by the number of buildings in the cooperative development that were designated by the Department of Buildings as described above.

No rebate is made available for an eligible property with no annual tax. This bill also makes provisions for the mailing of the rebate.

Section two provides for the bill to take effect on the same date as the state enabling legislation takes effect.

**REASONS FOR SUPPORT:**

This bill would provide real property tax relief to New York City residents whose properties were severely damaged by Hurricane Sandy. Under current law, the taxable status of real property in New York City was fixed for the 2013 fiscal year on January 5, 2012, the taxable status date for real property, and real property taxes billed for fiscal year 2013 must be based on the condition of the real property on that date. Beginning on October 29, 2012, and continuing thereafter, Hurricane Sandy caused a severe storm surge in areas of New York City that resulted in damage to a number of buildings. The Department of Buildings has inspected the structural stability of buildings affected by the hurricane and tagged with a red placard and/or indicated on its records, those buildings that it determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of the hurricane. Current law does not provide a mechanism for reducing the assessed valuation of real property and the tax based thereon for fiscal year 2013 to reflect the serious damage and resulting decrease in value that was inflicted on real property by Hurricane Sandy. In order to assist owners and tenant-stockholders of properties on which there is a building that the Department of Buildings determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of Hurricane Sandy, this bill grants a rebate of real property taxes to owners and tenant-stockholders of eligible properties. The amount of the rebate reflects the reduction in value of the improvements on eligible property for a period of eight

months (two-thirds of a year) from the date of Hurricane Sandy to the end of fiscal year 2013. These rebates would provide much needed relief to some of our most devastated citizens.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,

Patrick A. Wehle

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, July 24, 2013.

On motion of the Speaker (Council Member Quinn), 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 Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered Res. No. 1870

**Report of the Committee on Finance in favor of approving 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 resolution was referred on July 24, 2013, 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 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"). On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

**Analysis.** This Resolution, dated July 24, 2013, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2014, Fiscal 2013, Fiscal 2012 and Fiscal 2010 Expense Budgets.

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 local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2014, Fiscal 2013, Fiscal 2012 and Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal

2014 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, as described in Charts 4-13; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 14; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 15; sets forth new designations and specific changes in the designation of certain organizations receiving pursuant to certain initiatives in the Fiscal 2013 Expense Budget, as described in Charts 16-18; sets forth new designations and specific changes in the designation of certain organizations receiving pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 19-20; sets forth new designations and specific changes in the designation of certain organizations receiving pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Chart 21; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2014 Expense Budget as described in chart 22.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2014 Expense Budget, dated June 27, 2013, and Adjustments Summary/Schedule C/ Fiscal 2013 Expense Budget, dated June 28, 2012, and the Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, and the Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Industrial Business Services Providers PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Jobs to Build On Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to OST Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 14 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 15 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 16 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 17 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 18 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the DYCD Food Pantry Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 19 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 20 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 21 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 22 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget.

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 2014, 2013, 2012 and 2010 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. 1870:)**

Res. No. 1870

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

By Council Members Recchia and Comrie.

**Whereas**, On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget 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 2014 Expense Budget by approving new

Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas**, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget 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**, On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget 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**, On June 19, 2009 the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Industrial Business Servers Providers PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Jobs to Build On Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to OST Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 14; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 15; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 16; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 17; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantry Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 18; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 19; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 20; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 21; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 22.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	App #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN
CC	Northside Center for Child Development, Inc. **	13-1656879	DPR	(\$115,000.00)	846	006		
CC	Northside Center for Child Development, Inc. **	13-1656879	DYCD	\$115,000.00	260	312		
Vivento	Central Park East High School **	13-8400434	DOE	\$5,500.00	040	402		
King	Wildlife Conservation Society	13-1740011	DOLA	(\$10,000.00)	126	007		
Vivento	Mary Mitchell Youth and Family Center, Inc.	13-1740011	DOLA	\$10,000.00	126	007		
Vivento	Mary Mitchell Youth and Family Center, Inc.	13-8400434	NYCHA	(\$500.00)	098	002		
Brewer	Lincoln Center for the Performing Arts, Inc.	13-8400434	NYCHA	\$500.00	098	002		
Brewer	Dominican Sunday, Inc.	13-1847197	DYCD	(\$4,000.00)	260	312		
Drum	Brooklyn Community Pride Center, Inc.	13-4187871	DYCD	\$4,000.00	260	312		
Drum	Brooklyn Community Pride Center, Inc.	11-3307224	DYCD	\$3,500.00	260	005		
Van Brumer	Sunnyside District Management Association **	26-1278224	DYCD	(\$5,000.00)	260	005		
Van Brumer	Sunnyside District Management Association **	26-4998252	DSBS	\$5,000.00	801	002		
Vann	Stuyvesant Gardens II Tenant Association	20-4998252	NYCHA	(\$1,000.00)	098	002		
Vann	Association of Mary House	35-3058189	NYCHA	\$1,000.00	098	002		
Vann	Association of Mary House	11-3271472	DOLA	(\$3,500.00)	126	003		
Levin	Noel Painter Foundation, Inc. - The	11-3271472	DOLA	(\$3,500.00)	126	003		
Levin	Wildlife Conservation Society	13-1740011	DOLA	(\$7,000.00)	126	007		
Levin	NATUREart Non-Profit Inc.	13-3994559	DOLA	(\$1,500.00)	126	003		
Levin	Smaller Mellon Studios, Inc.	31-3278303	DOLA	(\$1,500.00)	126	003		
Levin	Smaller Mellon Studios, Inc.	11-3295408	DOLA	(\$1,500.00)	126	003		
Levin	Friends of the New York Transit Museum	11-3295408	DOLA	(\$1,500.00)	126	003		
Levin	National Dance Institute, Inc.	13-2890779	DOLA	\$3,500.00	126	003		
Levin	Urban Productions, Inc.	12-2881858	DOLA	\$3,500.00	126	003		
Levin	Urban Productions, Inc.	11-2881858	DOLA	\$3,500.00	126	003		
Levin	George Washington High School	13-8400434	DOE	(\$3,500.00)	040	402		
Levin	Council on the Environment of New York City, Inc. D/B/A GreenNYC	13-2765465	DYCD	(\$3,500.00)	260	005		
Levin	New York Lawyers for the Public Interest, Inc.	13-2860703	DYCD	(\$3,500.00)	260	005		
Levin	Urban Productions, Inc.	13-2881858	DOLA	(\$3,500.00)	126	003		
Levin	Urban Productions, Inc.	11-2881858	DOLA	(\$3,500.00)	126	003		
Levin	Urban Productions, Inc.	13-3030085	DYCD	(\$3,500.00)	260	312		
Levin	Urban Productions, Inc.	20-2169746	DYCD	\$3,500.00	260	312		
Levin	Urban Productions, Inc.	20-2169746	DYCD	\$3,500.00	260	005		
Levin	Urban Productions, Inc.	11-3122926	DYCD	\$5,000.00	260	005		
Levin	Urban Productions, Inc.	11-2477243	DYCD	\$1,000.00	260	005		
Levin	Urban Productions, Inc.	11-2477243	DYCD	\$1,000.00	260	005		
Levin	Urban Productions, Inc.	13-8400434	NYCHA	(\$1,500.00)	098	002		
Levin	Urban Productions, Inc.	13-3266539	DOE	(\$1,500.00)	098	002		
Levin	Urban Productions, Inc.	13-3266539	DOE	(\$1,500.00)	126	003		
Levin	Urban Productions, Inc.	13-3266539	DOE	(\$1,500.00)	126	003		
Levin	Urban Productions, Inc.	11-3179208	DOLA	(\$1,500.00)	126	003		
Levin	Urban Productions, Inc.	11-3179208	DOLA	(\$1,500.00)	126	003		
Levin	Urban Productions, Inc.	11-2418837	DOE	(\$3,500.00)	040	402		
Levin	Urban Productions, Inc.	11-1830780	DOE	(\$3,500.00)	040	402		
Levin	Urban Productions, Inc.	11-1830780	DOE	(\$3,500.00)	040	402		
Levin	Urban Productions, Inc.	11-1830780	DOE	(\$3,500.00)	040	402		





CHART 5: Jobs to Build On - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Consortium for Worker Education (CWE)	13-3564313	DSBS	\$273,000.00	801	011
Department of Small Business Services	13-6400434	DSBS	\$273,000.00	801	011

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

CHART 6: OST - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Fort Greene Senior Citizen Council, Inc. - Young Minds Day Care Center	11-2300840	DYCD	\$160,000.00	260	312
Fort Greene Council, Inc. - Young Minds Day Care Center	11-2300840	DYCD	\$160,000.00	260	312

\* Indicates pending completion of pre-qualification review.

CHART 7: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Domestic Violence and Empowerment (DoVE) Initiative	13-6400434	OCJC	\$2,825,000.00	098	002
Battered Women's Resource Center	11-3302911	OCJC	\$52,750.00	098	002
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	OCJC	\$31,250.00	098	002
Brownsville Community Development Corporation (db/a BMS Family Health Center (BMSFHC))	11-2544630	OCJC	\$15,825.00	098	002
Child Center of New York, Inc. - The	11-1739454	OCJC	\$20,000.00	098	002
Children's Aid Society, The	13-5562191	OCJC	\$43,270.83	098	002
Church Avenue Men's Empowerment Center, Inc.	13-3660339	OCJC	\$31,250.00	098	002
Community Agency for Senior Citizens, Inc.	13-3263537	OCJC	\$31,250.00	098	002
Connect, Inc.	020894269	OCJC	\$82,500.00	098	002
Council of Peoples Organization, Inc.	75-3046891	OCJC	\$46,875.00	098	002
Day One	061103000	OCJC	\$20,000.00	098	002
District Attorney - Brooklyn	13-6400434	OCJC	\$82,000.00	098	002
District Attorney - New York	13-6400434	OCJC	\$20,000.00	098	002
District Attorney - Queens	13-6400434	OCJC	\$20,000.00	098	002
Dominican Women's Development Center, Inc.	13-3593885	OCJC	\$11,333.33	098	002
Edwin Gould Services for Children & Families	13-5975643	OCJC	\$43,270.84	098	002
Family Renaissance, Inc.	11-3190985	OCJC	\$15,625.00	098	002
Good Shepherd Services, Inc.	13-5598710	OCJC	\$20,000.00	098	002
GreenHope Services for Women	13-2813350	OCJC	\$31,250.00	098	002
Haitian Americans United for Progress, Inc.	11-2423857	OCJC	\$46,825.00	098	002
Hebrew Home for the Aged at Riverdale	13-1739971	OCJC	\$62,000.00	098	002
Henry Street Settlement	13-1562242	OCJC	\$31,250.00	098	002
Hudson Cultural Arts Academy, Inc.	11-3021539	OCJC	\$15,625.00	098	002
Jewish Board of Family and Children's Services, Inc. (aka Pride of Judea)	11-3463615	OCJC	\$31,250.00	098	002
Korean American Family Service Center (KAFSC)	13-3600811	OCJC	\$31,250.00	098	002
Legal Aid Society / Civil Division - Brooklyn	13-5562265	OCJC	\$15,625.00	098	002
Legal Services NYC - Bronx	16-1758950	OCJC	\$62,000.00	098	002
South Brooklyn Legal Services	13-2605605	OCJC	\$62,125.00	098	002
Legal Services NYC - Manhattan Legal Services-Harlem Office	13-2613958	OCJC	\$62,500.00	098	002
Legal Services NYC - Queens Legal Services Corporation	13-2605604	OCJC	\$20,000.00	098	002
Lutheran Family Health Center's Family Support Center	11-1839567	OCJC	\$21,875.00	098	002
Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	OCJC	\$155,250.00	098	002

CHART 7: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2014 (continued)

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Mount Sinai Center for Community Enrichment Inc.	13-4082027	OCJC	\$15,625.00	098	002
New Deal Housing Corporation	13-3778489	OCJC	\$41,666.67	098	002
New York Asian Women's Center, Inc.	13-3286250	OCJC	\$30,000.00	098	002
New York City Gay and Lesbian Anti-Violence Project, Inc.	13-3148200	OCJC	\$20,000.00	098	002
North Brooklyn Coalition Against Family Violence	11-3431280	OCJC	\$62,000.00	098	002
Northern Manhattan Improvement Corporation	13-29172415	OCJC	\$86,541.67	098	002
New York Legal Assistance Group	13-3505428	OCJC	\$80,000.00	098	002
Queens Hospital Center	11-6111194	OCJC	\$46,625.00	098	002
Queensboro Council for Social Welfare, Inc.	11-1817487	OCJC	\$31,250.00	098	002
Research Foundation of the City University of New York (on Behalf of Nancy Reveron Domestic Violence Center at Hostos Community College)	13-6400434	OCJC	\$62,000.00	098	002
Safe Horizon, Inc.	13-2946970	OCJC	\$275,000.00	098	002
Safe Space, Inc.	11-1711014	OCJC	\$46,625.00	098	002
SAKHI for South Asian Women	13-3593806	OCJC	\$31,250.00	098	002
Salt and Sea Mission	11-3012147	OCJC	\$39,250.00	098	002
Sanctuary for Families, Inc.	13-3193119	OCJC	\$103,333.33	098	002
Saul Yetu Center for African Women	20-1209795	OCJC	\$15,625.00	098	002
SCAN-NY	13-2912963	OCJC	\$62,000.00	098	002
Seaman's Society for Children and Families	13-5563010	OCJC	\$31,250.00	098	002
Shalom Task Force, Inc.	11-3207504	OCJC	\$40,000.00	098	002
Shorpe Family Residence	13-3776556	OCJC	\$62,000.00	098	002
Top Development Corporation	11-3409359	OCJC	\$46,500.00	098	002
Trinity Healing Center, Inc.	20-3235905	OCJC	\$41,875.00	098	002
Urban Justice Center	13-3442022	OCJC	\$31,250.00	098	002
Violence Intervention Program	13-3540337	OCJC	\$52,083.33	098	002
Womens Prison Association	13-5596836	OCJC	\$46,500.00	098	002

\* Indicates pending completion of pre-qualification review.

CHART 8: Anti-Gun Violence Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
New Yorkers Against Gun Violence	13-3780848	DYCD	(\$30,000.00)	260	005
New Yorkers Against Gun Violence	13-3808186	DYCD	\$30,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 9: MWBE Leadership Association Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
ACCION USA, Inc.	11-3317234	DSBS	(\$66,705.00)	801	005
ACCION East, Inc.	11-3317234	DSBS	\$66,705.00	801	005

\* Indicates pending completion of pre-qualification review.

CHART 10: Small Business and Job Development/Financial Literacy Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
ACCION USA, Inc.	11-3317234	DSBS	(\$64,500.00)	801	002
ACCION East, Inc.	11-3317234	DSBS	\$64,500.00	801	002
Regional Aid for Interim Needs, Inc.	13-6213597	DFTA	(\$145,000.00)	125	003
Regional Aid for Interim Needs, Inc.	13-6213596	DFTA	\$145,000.00	125	003

\* Indicates pending completion of pre-qualification review.

CHART 11: HIV/AIDS Faith Based Initiative - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
Mount Carmel Baptist Church	11-3598975	DOHMH	(\$5,400.00)	816	112
Mount Carmel Baptist Church	13-3966802	DOHMH	\$5,400.00	816	112
St. Matthew's AME Church	53-0204696	DOHMH	(\$5,400.00)	816	112
St. Matthew's AME Church	06-1132714	DOHMH	\$5,400.00	816	112
St. Luke's AME Church	52-0204696	DOHMH	(\$5,400.00)	816	112
St. Luke's AME Church	13-3438947	DOHMH	\$5,400.00	816	112
Family Life Development Center	11-3168815	DOHMH	(\$5,400.00)	816	112
Family Life Development Center	31-1747545	DOHMH	\$5,400.00	816	112

\* Indicates pending application and completion of pre-qualification review.

CHART 12: Runaway and Homeless Youth PEG Restoration Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Safe Space, Inc.		11-1711015	DYCD	(\$70,000.00)	260	312
Safe Space, Inc.		11-1711014	DYCD	\$70,000.00	260	312
SCO Family of Services		11-2777067	DYCD	(\$70,000.00)	260	312
SCO Family of Services		11-2777066	DYCD	\$70,000.00	260	312
Cardinal McCloskey Services		11-5234032	DYCD	(\$70,000.00)	260	312
Cardinal McCloskey Services		13-1740443	DYCD	\$70,000.00	260	312

\* Indicates pending completion of pre-qualification review.

CHART 13: Discretionary Child Care Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Richards	ATLED, Inc.	13-3550708	ACS	(\$860,002.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428427	ACS	(\$71,516.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428428	ACS	(\$90,409.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428429	ACS	(\$162,481.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428430	ACS	(\$137,342.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428432	ACS	(\$45,000.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428433	ACS	(\$304,504.00)	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc.	11-2428433	ACS	(\$278,141.00)	068	004
Richards	Bethel Mission Station Church	06-0983254	ACS	(\$647,695.00)	068	004
Richards	Bethel Mission Station Church	06-0983254	ACS	(\$595,913.00)	068	004
Richards	Bethel Mission Station Church	06-0983254	ACS	(\$656,879.00)	068	004
Vann	Billy Martin Child Development Day Care Center, Inc.	01-1223228	ACS	(\$593,191.00)	068	004
Vann	Chinese-American Planning Council, Inc.	13-6202693	ACS	(\$957,380.00)	068	004
Chin	Chinese-American Planning Council, Inc.	13-6202694	ACS	(\$700,483.00)	068	004
Mendez	Chinese-American Planning Council, Inc.	13-6202695	ACS	(\$723,570.00)	068	004
Barron	Colony-South Brooklyn Houses, Inc.	11-2197985	ACS	(\$1,165,021.00)	068	004
González	Colony-South Brooklyn Houses, Inc.	11-2197986	ACS	(\$925,279.00)	068	004
González	Colony-South Brooklyn Houses, Inc.	11-2197987	ACS	(\$801,707.00)	068	004
González	Colony-South Brooklyn Houses, Inc.	11-2197988	ACS	(\$710,008.00)	068	004
Quinn	Colony-South Brooklyn Houses, Inc.	13-5652900	ACS	(\$454,468.00)	068	004
Vann	Hudson Guild Inc.	13-5698812	ACS	(\$637,432.00)	068	004
CD28	Police Athletic League, Inc.	11-2219526	ACS	(\$705,383.00)	068	004
Foster	South Bronx Inc.	01-3261989	ACS	(\$1,274,400.00)	068	004
Oddo	Staten Island Mental Health	13-4115114	ACS	(\$777,621.00)	068	004
Richards	ATLED, Inc. - Lucille Rose DCC	13-3550709	ACS	\$860,002.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$71,516.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$90,409.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$162,481.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$137,342.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$45,000.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$304,504.00	068	004
Vann	Bedford Stuyvesant Early Childhood Development Center, Inc. - Bedford Stuyvesant	11-2428431	ACS	\$278,141.00	068	004

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

CHART 14: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *	Fiscal Commitment	Organization	Amount	Agy #	U/A *
Brewer	St. Luke's-Roosevelt Hospital Center for Comprehensive Care	13-2997730	DOHMH	(\$2,000.00)	816	112					
Brewer	St. Luke's-Roosevelt Hospital Center for Comprehensive Care	13-2997730	DOHMH	\$2,000.00	816	112					
CC	St. Luke's-Roosevelt Hospital Center for Comprehensive Care	13-2997730	DOHMH	(\$2,000.00)	816	113					
CC	St. Luke's-Roosevelt Hospital Center for Comprehensive Care	13-2997730	DOHMH	\$2,000.00	816	113					
Reccolla	Suvarren High School	11-1837740	DYCD	\$5,000.00	260	312					
Reccolla	Suvarren High School	11-1837740	DYCD	\$5,000.00	260	312					

CHART 13: Discretionary Child Care Initiative - Fiscal 2014 (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Richards	Bethel Mission Station Church - Bethel Mission Loving Day Care	06-0983254	ACS	\$647,695.00	068	004
Richards	Bethel Mission Station Church - Sheldon R. Weaver DCC	06-0983254	ACS	\$595,913.00	068	004
Richards	Bethel Mission Station Church - Rockaway Child Care Center	06-0983254	ACS	\$656,879.00	068	004
Vann	Billy Martin Child Development Day Care Center, Inc. - Billy Martin Child Development Center	11-2233228	ACS	\$593,191.00	068	004
Chin	Chinese-American Planning Council, Inc. - CPC Little Star of Broome Street	13-6202692	ACS	\$957,380.00	068	004
Chin	Chinese-American Planning Council, Inc. - CPC Industry DC Chinatown	13-6202692	ACS	\$700,483.00	068	004
Mendez	Chinese-American Planning Council, Inc. - CPC Jacob Rlis Child Care Center	13-6202692	ACS	\$723,570.00	068	004
Barron	Colony-South Brooklyn Houses, Inc. - Pine Street DCC	11-2197984	ACS	\$1,165,021.00	068	004
Barron	Colony-South Brooklyn Houses, Inc. - Sylvia Klein CCC	11-2197984	ACS	\$925,279.00	068	004
González	Colony-South Brooklyn Houses, Inc. - Bay Ridge CCC	11-2197984	ACS	\$801,707.00	068	004
González	Colony-South Brooklyn Houses, Inc. - Bay Ridge CCC	11-2197984	ACS	\$710,008.00	068	004
Quinn	Hudson Guild Inc. - Hudson Guild	13-5652989	ACS	\$454,468.00	068	004
Vann	Police Athletic League, Inc. - PAL Western Queens	11-2219525	ACS	\$637,432.00	068	004
CD28	Quick Start DCC - Quick Start DCC Center #2	11-2219525	ACS	\$705,383.00	068	004
Foster	South Bronx Inc. - South Bronx Head Start III	13-2661989	ACS	\$1,274,400.00	068	004
Oddo	Staten Island Mental Health - Staten Island Head Start	13-5623279	ACS	\$777,621.00	068	004

\* Indicates pending completion of pre-qualification review.

CHART 15: Youth Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agry #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Recotha	New Utrecht Reformed Church	23-7052295	DYCD	\$2,000.00	260	312	NIA Community Services Network (NCS)	11-2687931
Recotha	New Utrecht Reformed Church	23-7052295	DYCD	\$2,000.00	260	312	Rosalia-Regina Prada NIA	11-2687931

\* Indicates pending completion of pre-qualification review.

CHART 16: HIV/AIDS Faith Based Initiative - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agry #	U/A
Mount Carmel Baptist Church	11-3558975	DOHMH	(\$6,400.00)	816	112
Mount Carmel Baptist Church	13-3968602	DOHMH	\$6,400.00	816	112
St. Luke's AME Church	52-0204696	DOHMH	(\$6,400.00)	816	112
St. Luke's AME Church	13-3438047	DOHMH	\$6,400.00	816	112
Family Life Development Center	11-3168815	DOHMH	(\$6,400.00)	816	112
Family Life Development Center	31-1741545	DOHMH	\$6,400.00	816	112

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

CHART 18: DYCD Food Pantry - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agry #	U/A
Most Holy Trinity Church	13-3171439	DYCD	(\$1,000.00)	260	005
Trinity Human Services Corporation	13-3171439	DYCD	\$1,000.00	260	005

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

CHART 17: Runaway and Homeless Youth PEG Restoration Initiative - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agry #	U/A
Cardinal McCoskey Services	11-5224032	DYCD	(\$70,000.00)	260	312
Cardinal McCoskey Services	13-1746443	DYCD	\$70,000.00	260	312

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



CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Brewer	Outstanding Renewal Enterprises, Inc.	13-320284	DSNY	(\$1,000.00)	To provide support services to the 40 formerly homeless older residents of the organizational foundation.
Local	Brewer	Outstanding Renewal Enterprises, Inc.	13-320284	DSNY	\$3,000.00	To purchase original electronic work (e-work) including workbooks, books, 2 x 4, 3 x 5, and 8 1/2 x 11 inch paper for the 40 formerly homeless older residents of the organizational foundation.
Youth	Brewer	City-ARTS, Inc.	13-278670	DYCD	(\$3,500.00)	For DYCD training for members of the community to become Volunteer Rape Crisis and Domestic Violence Advocates in Emergency Rooms.
Youth	Brewer	City-ARTS, Inc.	13-278670	DYCD	\$3,500.00	To support an educational program that is a collaboration between CTE and the City-ARTS High School. Funding will support teaching fees, art workshops, and supplies.
Local	Brewer	LiCoach Center for the Performing Arts, Inc.	13-184713	DYCD	(\$4,000.00)	To purchase and provide supplies to underserved youth and provide them with public speaking skills in underserved youth.
Local	Brewer	LiCoach Center for the Performing Arts, Inc.	13-184713	DYCD	\$4,000.00	To purchase and provide supplies to underserved youth and provide them with public speaking skills in underserved youth.
Local	Koalowitz	Queena Leaban and Gay Pride Committee, Inc.	11-348598	DOE	(\$3,500.00)	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	Koalowitz	Queena Leaban and Gay Pride Committee, Inc.	11-348598	DOE	\$3,500.00	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	Koo	Asian American Arts Alliance	13-348018	DCLA	(\$4,000.00)	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	Koo	Asian American Arts Alliance	13-348018	DCLA	\$4,000.00	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	King	Wildlife Conservation Society	13-174011	DCLA	(\$10,000.00)	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	King	Wildlife Conservation Society	13-174011	DCLA	\$10,000.00	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	Vuotto	Union Settlement Association	13-182320	DYCD	(\$11,000.00)	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Local	Vuotto	Union Settlement Association	13-182320	DYCD	\$11,000.00	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Youth	Vuotto	Bailey House, Inc.	13-105181	DYCD	(\$5,500.00)	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.
Youth	Vuotto	Bailey House, Inc.	13-105181	DYCD	\$5,500.00	To support programs in the 29th Council District which focus on homophobia, addition, gender, violence, intolerance and other relevant topics.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Foster	Bronx Museum of the Arts, The	13-270288	DCLA	(\$10,000.00)	Funds used to purchase and transport equipment and aquatics products to provide educational instruction and books to students, teachers and staff. To provide educational instruction, lighting and heaters, along with hands on instruction on boat care and building of aquatics products.
Local	Foster	Bronx Museum of the Arts, The	13-270288	DCLA	\$10,000.00	Funds used to purchase and transport equipment and aquatics products to provide educational instruction and books to students, teachers and staff. To provide educational instruction, lighting and heaters, along with hands on instruction on boat care and building of aquatics products.
Local	Weprin	Glen Oaks Volunteer Ambulance Corps, Inc.	22-738330	FDNY	(\$40,000.00)	To purchase personal protective equipment for Ambulance crews.
Local	Weprin	Glen Oaks Volunteer Ambulance Corps, Inc.	22-738330	FDNY	\$40,000.00	To purchase personal protective equipment for Ambulance crews.
Local	Weprin	Inc. Ochs Volunteer Ambulance Corps, Inc.	22-738330	FDNY	(\$10,000.00)	To purchase a backhoe loader.
Local	Weprin	Inc. Ochs Volunteer Ambulance Corps, Inc.	22-738330	FDNY	\$10,000.00	To purchase a backhoe loader.
Local	Weprin	InterSchool Orchestra of New York Inc.	23-740187	DCLA	(\$1,000.00)	To provide an orchestra for beginning and intermediate students (ages 8 to 12) in the Glen Oaks School (PS 150).
Local	Weprin	InterSchool Orchestra of New York Inc.	23-740187	DCLA	\$1,000.00	To provide an orchestra for beginning and intermediate students (ages 8 to 12) in the Glen Oaks School (PS 150).
Youth	Weprin	InterSchool Orchestra of New York Inc.	23-740187	DCLA	(\$7,500.00)	To support programs for special needs children.
Youth	Weprin	InterSchool Orchestra of New York Inc.	23-740187	DCLA	\$7,500.00	To support programs for special needs children.
Youth	Weprin	Suburbanite Soccer Club, Inc.	22-384037	DYCD	(\$5,000.00)	To provide for the Junior SNK Coalition that develops SNK youth into leaders through a train-the-trainer model.
Youth	Weprin	Suburbanite Soccer Club, Inc.	22-384037	DYCD	\$5,000.00	To provide for the Junior SNK Coalition that develops SNK youth into leaders through a train-the-trainer model.
Local	Weprin	Sikh Coalition, The	11-203770	CUNY	(\$10,000.00)	Pending.
Local	Weprin	Sikh Coalition, The	11-203770	CUNY	\$10,000.00	Pending.
Local	Weprin	Queensborough Community College Auxiliary Enterprise Association, Inc.	11-203770	CUNY	(\$35,000.00)	To support programming to teach students about the horrors of the Holocaust and its aftermath.
Local	Weprin	Queensborough Community College Auxiliary Enterprise Association, Inc.	11-203770	CUNY	\$35,000.00	To support programming to teach students about the horrors of the Holocaust and its aftermath.
Local	CC	Make the Road New York	11-334438	DYCD	(\$5,000.00)	Funds will be used for vendor organizing.
Local	CC	Make the Road New York	11-334438	DYCD	\$5,000.00	Funds will be used for vendor organizing.
Boro	Koo	Flushing Town Hall	11-262182	DCLA	(\$3,828.00)	To support the programming season, including arts programming for adults and families, educational programming that meets NYC and NY State curriculum standards, discounts and transportation for senior citizens and underserved populations, and other programs.
Boro	Koo	Flushing Town Hall	11-262182	DCLA	\$3,828.00	To support the programming season, including arts programming for adults and families, educational programming that meets NYC and NY State curriculum standards, discounts and transportation for senior citizens and underserved populations, and other programs.
Local	Koo	Queensborough Community College Auxiliary Enterprise Association, Inc.	11-203770	CUNY	(\$4,000.00)	To support the programming season, including arts programming for adults and families, educational programming that meets NYC and NY State curriculum standards, discounts and transportation for senior citizens and underserved populations, and other programs.
Local	Koo	Queensborough Community College Auxiliary Enterprise Association, Inc.	11-203770	CUNY	\$4,000.00	To support the programming season, including arts programming for adults and families, educational programming that meets NYC and NY State curriculum standards, discounts and transportation for senior citizens and underserved populations, and other programs.
Local	Fidler	Be Proud, Inc.	58-267418	DYCD	(\$5,000.00)	Funds will support parents to engage parents as the primary stewards of their children.
Local	Fidler	Be Proud, Inc.	58-267418	DYCD	\$5,000.00	Funds will support parents to engage parents as the primary stewards of their children.
Local	Fidler	Be Proud, Inc.	58-267418	DYCD	(\$5,000.00)	Funds will support parents to engage parents as the primary stewards of their children.
Local	Fidler	Be Proud, Inc.	58-267418	DYCD	\$5,000.00	Funds will support parents to engage parents as the primary stewards of their children.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Youth	Arroyo	Saif Yeh Center for African Women	20-120735	DYCD	(\$15,000.00)	To support culturally sensitive domestic violence services focused on immigrants.
Youth	Arroyo	Saif Yeh Center for African Women	20-120735	DYCD	\$15,000.00	To support culturally sensitive domestic violence services focused on immigrants.
Local	CC	BrookwoodStar Sol Inc., The	13-385737	DYCD	(\$120,000.00)	Funds will be used to purchase school supplies (uniforms, books, book bags, pens, etc.) for 20 school age immigrant children aged 5 to 16 years. Liferover funds will be used to purchase school supplies (uniforms, books, book bags, pens, etc.) for 20 school age immigrant children aged 5 to 16 years.
Local	CC	BrookwoodStar Sol Inc., The	13-385737	DYCD	\$120,000.00	Funds will be used to purchase school supplies (uniforms, books, book bags, pens, etc.) for 20 school age immigrant children aged 5 to 16 years.
Local	Koalowitz	Messiah of Queens	27-036356	DYCD	(\$15,000.00)	Funds will be used to support the operations of summer programming.
Local	Koalowitz	Messiah of Queens	27-036356	DYCD	\$15,000.00	Funds will be used to support the operations of summer programming.
Local	Koalowitz	Messiah of Queens	27-036356	DYCD	(\$26,262.00)	Funds will be used to support the operations of summer programming.
Local	Koalowitz	Messiah of Queens	27-036356	DYCD	\$26,262.00	Funds will be used to support the operations of summer programming.
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$206,262.00	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$206,262.00	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	(\$60,620.00)	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$60,620.00	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$206,262.00	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$206,262.00	Crisis Shelter Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	(\$27,376.00)	Brooklyn Drop-In Center and Auxiliary Services
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$27,376.00	Brooklyn Drop-In Center and Auxiliary Services
Local	All Forney Center	All Forney Center	30-010407	DYCD	(\$65,031.00)	Drop-In Center Services
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$65,031.00	Drop-In Center Services
Local	All Forney Center	All Forney Center	30-010407	DYCD	(\$50,000.00)	Transitional Independent Living Beds
Local	All Forney Center	All Forney Center	30-010407	DYCD	\$50,000.00	Transitional Independent Living Beds

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Crowley	Salvatore LaRossa Dance Company, Inc.	30-0118937	DYCD	(\$5,000.00)	To provide creative movement, ballet, and other dance and drama classes for young children.
Local	Crowley	Salvatore LaRossa Dance Company, Inc.	30-0118937	DYCD	\$5,000.00	To provide creative movement, ballet, and other dance and drama classes for young children.
Local	Chin	Hamilton Madison House, Inc.	13-566412	DFTA	(\$24,000.00)	To support senior programs at Battery Park Senior Center and Southbridge Tower Center and a social worker at Southbridge Tower Center.
Local	Chin	Hamilton Madison House, Inc.	13-566412	DFTA	\$24,000.00	To support senior programs at Battery Park Senior Center and Southbridge Tower Center.
Youth	Vuotto	SCO Family of Services	11-2777066	DYCD	(\$24,000.00)	To provide for GED classes and tests. Also, to support job readiness and job placement services.
Youth	Vuotto	SCO Family of Services	11-2777066	DYCD	\$24,000.00	To provide for GED classes and tests. Also, to support job readiness and job placement services.
Local	Vuotto	Bailey's Café, Inc.	20-0221451	DYCD	(\$10,000.00)	To provide a safe and healthy environment for the community through the provision of nutritious meals, snacks, and beverages.
Local	Vuotto	Bailey's Café, Inc.	20-0221451	DYCD	\$10,000.00	To provide a safe and healthy environment for the community through the provision of nutritious meals, snacks, and beverages.
Local	GC	New Bronx Chamber of Commerce, The	37-1443166	DSBS	(\$40,000.00)	To support the establishment of merchant association and business incubator in the Bronx.
Local	GC	New Bronx Chamber of Commerce, The	37-1443166	DSBS	\$40,000.00	To support the establishment of merchant association and business incubator in the Bronx.
Local	Foster	Bronx Community College	13-640034	CUNY	(\$10,000.00)	To support On Stage at Kingsborough, KCC's performing arts program. Funds will be used to expand programs and audience through such efforts as ticket subsidies.
Local	Foster	Bronx Community College	13-640034	CUNY	\$10,000.00	To support On Stage at Kingsborough, KCC's performing arts program.
Local	Foster	CJNY Creative Arts Team	13-640034	CUNY	(\$5,000.00)	Funding will support the establishment of the "Hellen Studies Institute (HSI)" of the City University of New York (CUNY). Funding is dedicated to the planning and implementation of the HSI.
Local	Foster	CJNY Creative Arts Team	13-640034	CUNY	\$5,000.00	Funding will support the establishment of the "Hellen Studies Institute (HSI)" of the City University of New York (CUNY).
Local	Foster	CJNY Creative Arts Team	13-640034	CUNY	(\$20,000.00)	Funding will support the establishment of the "Hellen Studies Institute (HSI)" of the City University of New York (CUNY).
Local	Foster	CJNY Creative Arts Team	13-640034	CUNY	\$20,000.00	Funding will support the establishment of the "Hellen Studies Institute (HSI)" of the City University of New York (CUNY).
Local	Foster	Herbert H. Lehman College Foundation, Inc.	13-3150922	CUNY	\$20,000.00	To support the Freshman Seminar (LEH 100) Fall Semester at Lehman College.
Local	Foster	Herbert H. Lehman College Foundation, Inc.	13-3150922	CUNY	\$20,000.00	To support the Freshman Seminar (LEH 100) Fall Semester at Lehman College.



CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EM Number	Agency	Amount	New Purpose of Funds
Youth	Genaro	Queens Community Chik Corporation	22-2183327	DYCD	(\$8,000.00)	Funding used to follow up with consultants who might be eligible for public benefits for seniors and to provide information on the process of applying for public benefits. Agencies process these applications properly. Additional follow up counseling will be provided.
Youth	Genaro	Queens Community Chik Corporation	22-2183327	DYCD	\$8,000.00	Funding used to support after school programming including homework help, remedial math reading, table games and arts crafts. The program provides volunteer community service credits for Queens College students, and through collaboration with the program learning to bring musical education and instruction to children.
Youth	Genaro	Samuel Field YM & YWHA, Inc.	11-3071518	DYCD	(\$10,000.00)	Funds used to support the CAFE Program which provides services to Seniors. These services include home-based and clinic based mental health assessment and support, caregiver support, and support groups for bereavement, grief, depression, and the emotional stress of caring for a loved one. Funds used to support job training and placement, leadership development, organized sports leagues and educational, prevention and intervention services to seniors at all life transitions.
Youth	Genaro	Samuel Field YM & YWHA, Inc.	11-3071518	DYCD	\$10,000.00	Funds used to support the CAFE Program which provides services to Seniors. These services include home-based and clinic based mental health assessment and support, caregiver support, and support groups for bereavement, grief, depression, and the emotional stress of caring for a loved one. Funds used to support job training and placement, leadership development, organized sports leagues and educational, prevention and intervention services to seniors at all life transitions.
Youth	Genaro	South Asian Youth Action	13-3943630	DYCD	(\$3,000.00)	Funds used to support the South Asian Youth Action program which provides services to youth and young adults. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program also provides support for youth and young adults in the areas of mental health, substance abuse, and crisis intervention.
Youth	Genaro	South Asian Youth Action	13-3943630	DYCD	(\$3,000.00)	Funds used to support the South Asian Youth Action program which provides services to youth and young adults. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program also provides support for youth and young adults in the areas of mental health, substance abuse, and crisis intervention.
Youth	Genaro	Sports and Arts in Schools Foundation, Inc.	11-3112636	DYCD	(\$3,000.00)	Funding will be used to extend and enrich Sports and Arts in Schools Foundation summer and/or after-school programming, serving the youth of the district.
Youth	Genaro	Sports and Arts in Schools Foundation, Inc.	11-3112636	DYCD	\$3,000.00	Funding will be used to extend and enrich Sports and Arts in Schools Foundation summer and/or after-school programming, serving the youth of the district.
Local	King	American Legion Co-Op City Post 1871	23-7083632	DYCD	(\$6,000.00)	Funds will support a variety of sports programs, boys and girls basketball, boys and girls soccer, and other youth sports programs. Funds will also be used to purchase gym equipment, uniforms, and other supplies for the various sports.
Local	King	American Legion Co-Op City Post 1871	23-7083632	DYCD	\$6,000.00	Funds will support a variety of sports programs, boys and girls basketball, boys and girls soccer, and other youth sports programs. Funds will also be used to purchase gym equipment, uniforms, and other supplies for the various sports.
Local	King	Healthcare Industry Grant Corporation	13-197609	DQMH	(\$9,000.00)	The funds will be used to fund youth sports programs including league registration fees, uniforms, and other supplies for the various sports. The funds will also be used to purchase gym equipment, uniforms, and other supplies for the various sports.
Local	King	Healthcare Industry Grant Corporation	13-197609	DQMH	\$9,000.00	The funds will be used to fund youth sports programs including league registration fees, uniforms, and other supplies for the various sports. The funds will also be used to purchase gym equipment, uniforms, and other supplies for the various sports.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EM Number	Agency	Amount	New Purpose of Funds
Youth	King	New York Junior Tennis League, Inc.	23-7427256	DYCD	(\$10,000.00)	Funding will be used to provide free recreational tennis and educational programs for boys and girls ages 6-18 years at Co-Op City Tennis Courts. The program provides tennis instruction, equipment, and other supplies. The program also provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Youth	King	New York Junior Tennis League, Inc.	23-7427256	DYCD	\$10,000.00	Funding will be used to provide free recreational tennis and educational programs for boys and girls ages 6-18 years at Co-Op City Tennis Courts. The program provides tennis instruction, equipment, and other supplies. The program also provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Boro	King	Neighborhood Housing Services of the North Bronx, Inc.	80-0615273	HPD	(\$7,187.00)	Funding will support a summer day camp, including costs for transportation expenses and other supplies. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Boro	King	Neighborhood Housing Services of the North Bronx, Inc.	80-0615273	HPD	\$7,187.00	Funding will support a summer day camp, including costs for transportation expenses and other supplies. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Jewish Home and Hospital	23-7071800	DFTA	(\$3,500.00)	Funds will be used for a program that teaches older adults how to avoid falling and how to prevent falls. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Jewish Home and Hospital	23-7071800	DFTA	\$3,500.00	Funds will be used for a program that teaches older adults how to avoid falling and how to prevent falls. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	(\$8,000.00)	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	\$8,000.00	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	(\$10,000.00)	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	\$10,000.00	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	(\$6,000.00)	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Regional Aid for Interim Needs, Inc.	13-6215686	DFTA	\$6,000.00	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Jewish Association for Services for the Aged (JASA)	13-2620986	DFTA	(\$8,000.00)	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	King	Jewish Association for Services for the Aged (JASA)	13-2620986	DFTA	\$8,000.00	Funds will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EM Number	Agency	Amount	New Purpose of Funds
Aging	Nelson	Flahteah Shomrim Safety Patrol, Inc.	20-3244587	DFTA	(\$5,000.00)	To provide safety assistance, address bias crimes, anti-terrorism awareness, and other emergency services. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Aging	Nelson	Flahteah Shomrim Safety Patrol, Inc.	20-3244587	DFTA	\$5,000.00	To provide safety assistance, address bias crimes, anti-terrorism awareness, and other emergency services. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Dlan	2020 Vision for Schools, Inc.	45-3023036	DOE	(\$10,000.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Dlan	2020 Vision for Schools, Inc.	45-3023036	DOE	\$10,000.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Boro	Brooklyn Delegation	Sesama Flyers International, Inc.	11-2692485	DYCD	(\$4,218.75)	Program funding will support Sports and Culture Days hosted by Sesame Flyers International. These include a Sesame Flyers International youth program, to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Boro	Brooklyn Delegation	Sesama Flyers International, Inc.	11-2692485	DYCD	\$4,218.75	Program funding will support Sports and Culture Days hosted by Sesame Flyers International. These include a Sesame Flyers International youth program, to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Brooklyn Philharmonic Symphony Orchestra, Inc.	11-1773636	DCLA	(\$21,375.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Brooklyn Philharmonic Symphony Orchestra, Inc.	11-1773636	DCLA	\$21,375.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	(\$8,500.00)	To provide improved quality of life for all patients and their families, by providing therapeutic, weekend, and other programs and services. The funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	\$8,500.00	To provide improved quality of life for all patients and their families, by providing therapeutic, weekend, and other programs and services. The funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Midtown Management Group, Inc., The	13-3192730	DCLA	(\$5,000.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Fidler	Midtown Management Group, Inc., The	13-3192730	DCLA	\$5,000.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Youth	Brewer	Border Crossers, Inc.	26-2671377	DYCD	(\$3,500.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Youth	Brewer	Border Crossers, Inc.	26-2671377	DYCD	\$3,500.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Boro	Valkone	Greenbore Council for Social Welfare, Inc.	11-1817497	DFTA	(\$5,000.00)	Funding supports Health and Safety in the Home and in the Community program at senior community centers, trainings, conferences for professionals, multi-cultural information on domestic violence in newsletters and on DVD's, programming, information and referrals and Technical Assistance.
Boro	Valkone	Greenbore Council for Social Welfare, Inc.	11-1817497	DFTA	\$5,000.00	Funding supports Health and Safety in the Home and in the Community program at senior community centers, trainings, conferences for professionals, multi-cultural information on domestic violence in newsletters and on DVD's, programming, information and referrals and Technical Assistance.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EM Number	Agency	Amount	New Purpose of Funds
Youth	King	Moshulu Montaloro Community Center, Inc.	13-3822107	DYCD	(\$4,000.00)	Funds used to provide learning and homework groups for children and educational support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Youth	King	Moshulu Montaloro Community Center, Inc.	13-3822107	DYCD	\$4,000.00	Funds used to provide learning and homework groups for children and educational support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Mendez	Librery Partners, Inc.	81-0180686	DYCD	(\$3,000.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Mendez	Librery Partners, Inc.	81-0180686	DYCD	\$3,000.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Mendez	Librery Partners, Inc.	13-3023183	DYCD	(\$4,200.00)	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Local	Mendez	Librery Partners, Inc.	13-3023183	DYCD	\$4,200.00	Funding will be used to provide support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement. The program provides support for youth and young adults in the areas of career services, such as resume writing, job search, and job placement.
Youth	Mendez	National Dance Institute, Inc.	13-2690779	DYCD	(\$4,000.00)	Funding is for a Biking Rules program in districts with heavy bicycle traffic and/or are included in the first phase of the NYC bike share program. T.A.'s Bike Ambassadors will conduct extensive on-street outreach to cyclists about the law, and promote a strict code of responsible behavior with biking rules handbook.
Youth	Mendez	National Dance Institute, Inc.	13-2690779	DYCD	\$4,000.00	Funding is for a Biking Rules program in districts with heavy bicycle traffic and/or are included in the first phase of the NYC bike share program. T.A.'s Bike Ambassadors will conduct extensive on-street outreach to cyclists about the law, and promote a strict code of responsible behavior with biking rules handbook.
Youth	Mendez	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DYCD	(\$3,000.00)	Funding to support daytime and after-school literacy and performance programs, including afterschool literacy and performance programs, and teaching afterschool literacy and performance programs.
Youth	Mendez	VISIONS/Services for the Blind and Visually Impaired	13-1624210	DYCD	\$3,000.00	Funding to support daytime and after-school literacy and performance programs, including afterschool literacy and performance programs, and teaching afterschool literacy and performance programs.
Youth	Richards	Jewish Community Council of the South Bronx, Inc.	11-2425813	DYCD	(\$25,000.00)	Funds will support youth music programs and will be used to defray the costs of other than national expenses (OTPS) and utilities.
Youth	Richards	Jewish Community Council of the South Bronx, Inc.	11-2425813	DYCD	\$25,000.00	Funds will support youth music programs and will be used to defray the costs of other than national expenses (OTPS) and utilities.
Local	Vann	Paul J. Cooper Center for Human Services	11-2245687	OCCJ	(\$7,000.00)	Funding will be used to support the this community concert and street fair for youth.
Local	Vann	Paul J. Cooper Center for Human Services	11-2245687	OCCJ	\$7,000.00	Funding will be used to support the this community concert and street fair for youth.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	CD19	Samaritans of New York, Inc.	13-3184484	DOHMH	\$1,500.00	To support operational costs for the resident association to buy office supplies, postage, other operating costs and security cameras for the computer lab.
Local	CD19	Samaritans of New York, Inc.	13-3184484	DOHMH	\$1,500.00	To support outside prevention public education programs.
Local	CD19	Transitional Services for New York, Inc.	23-7378074	DOHMH	\$3,500.00	To support the 15th Anniversary of Outdoor Chama Series - a free annual festival of international film, music, dance and food. Support will pay for film licenses, performer honoraria, and other festival expenses.
Local	CD19	Transitional Services for New York, Inc.	23-7378074	DOHMH	\$3,500.00	To support services to assist persons with mental illness with client-centered services to support growth and empower individuals to achieve increased levels of independence and self-reliance, including funding for maintenance and upkeep of residential units at all affiliated locations.
Local	Lappin	Turtle Bay Association, Inc.	13-4162044	DPR	\$4,000.00	To support neighborhood cleanup and beautification projects, including funding for decorative receptacles to be placed between 48th-52nd streets on 2nd Avenue.
Local	Lappin	Turtle Bay Association, Inc.	13-4162044	DPR	\$4,000.00	To support a youth basketball program. The funds will be used to pay for the rental of a gymnasium and other expenses.
Local	Lappin	Health Advocates for Older People, Inc.	13-4169807	DFTA	\$3,500.00	To support the Healthy Aging Program, to offer courses and services for seniors and to support the Healthy Aging Program, to offer courses and services for seniors and to support the Healthy Aging Program.
Local	Lappin	Health Advocates for Older People, Inc.	13-4169807	DFTA	\$3,500.00	To support the Healthy Aging Program, to offer courses and services for seniors and to support the Healthy Aging Program, to offer courses and services for seniors and to support the Healthy Aging Program.
Local	Lappin	Girl Scout Council of Greater New York, Inc.	13-1624014	DYCD	\$4,000.00	To support Girl Scout Series programs to reach more NYC girls and to continue to support the Educational Guidance Program that promotes educational success, leadership, and civic skills.
Local	Lappin	Girl Scout Council of Greater New York, Inc.	13-1624014	DYCD	\$4,000.00	To support the Educational Guidance Program that promotes educational success, leadership, and civic skills.
Local	Lappin	Inwood House	13-5662254	DYCD	\$8,000.00	To support the Inwood House program, to provide support services, and materials and supplies for school success.
Local	Lappin	Inwood House	13-5662254	DYCD	\$8,000.00	To support the Inwood House program, to provide support services, and materials and supplies for school success.
Local	Lappin	New York Center for Children	95-4524444	DYCD	\$13,000.00	To support the New York Center for Children's after-school programs for school-age children, to provide support services, and materials and supplies for school success.
Local	Lappin	New York Center for Children	95-4524444	DYCD	\$13,000.00	To support the New York Center for Children's after-school programs for school-age children, to provide support services, and materials and supplies for school success.
Local	Lappin	Young People's Chorus of New York City, Inc.	11-3372980	DYCD	\$10,000.00	To support Young People's Chorus (YPC) music education programs. Specifically, to support YPC's instructional staff in preparing lessons and materials, conducting rehearsals and performances, and its scholarship fund.
Local	Lappin	Young People's Chorus of New York City, Inc.	11-3372980	DYCD	\$10,000.00	To support YPC's instructional staff in preparing lessons and materials, conducting rehearsals and performances, and its scholarship fund.
Local	Levin	Hebrew Thrift/Hopkins Development, Inc.	11-2642641	DYCD	\$5,000.00	To support an after-school reading and three family service centers so that children with serious developmental disabilities can participate in daily programs and weekend recreational programs and activities suitable for families.
Local	Levin	Hebrew Thrift/Hopkins Development, Inc.	11-2642641	DYCD	\$5,000.00	To support an after-school reading and three family service centers so that children with serious developmental disabilities can participate in daily programs and weekend recreational programs and activities suitable for families.
Local	Levin	Ans Genesee also AGAST Genesee Open Studios a project of Ans Genesee	75-192120	DCLA	\$1,500.00	To support the Genesee Open Studios event. This includes a printed map, posters, post cards, a web site, post box, and strategic email and social media.
Local	Levin	Ans Genesee also AGAST Genesee Open Studios a project of Ans Genesee	75-192120	DCLA	\$1,500.00	To support the Genesee Open Studios event. This includes a printed map, posters, post cards, a web site, post box, and strategic email and social media.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Levin	Atlantic Avenue District Management Association, Inc.	45-1942226	DSBS	\$2,000.00	Pending
Local	Levin	Atlantic Avenue District Management Association, Inc.	45-1942226	DSBS	\$2,000.00	To support activities in the business district including an updated website and paper shopping guide, holiday events, and free car and maintenance on Atlantic Ave.
Local	Levin	Berry Street South 9th Tenant Association	23-081815	NYCHA	\$2,000.00	To provide activities for families and children including field trips, parties, balloons, and other activities related to the Berry Street Resident Social Event for 2013.
Local	Levin	Berry Street South 9th Tenant Association	23-081815	NYCHA	\$2,000.00	To provide activities for families and children including field trips, parties, balloons, and other activities related to the Berry Street Resident Social Event for 2013.
Local	Levin	Boraham Hill Association	66-2503898	DYCD	\$4,000.00	To improve the summer school reading skills of low performing students who have been identified as being at risk for reading difficulties and to provide reading materials and other resources for the summer.
Local	Levin	BORAHAM HILL ASSOCIATION	66-2503898	DYCD	\$4,000.00	To improve the summer school reading skills of low performing students who have been identified as being at risk for reading difficulties and to provide reading materials and other resources for the summer.
Local	Levin	BRIC Arts   Media   Bklyn, Inc.	11-2547288	DOE	\$3,500.00	To support an art teacher who will be matched with a classroom teacher in a District 33 Public School to work as a team on a curriculum-based, hands-on project that concludes with a culminating event. Funding will support teacher and costs of materials and supplies.
Local	Levin	BRIC Arts   Media   Bklyn, Inc.	11-2547288	DOE	\$3,500.00	To support an art teacher who will be matched with a classroom teacher in a District 33 Public School to work as a team on a curriculum-based, hands-on project that concludes with a culminating event. Funding will support teacher and costs of materials and supplies.
Local	Levin	Fractured Atlas Productions, Inc.	11-3451703	DCLA	\$3,500.00	To support the work as fiscal sponsor for local arts organizations and individual artists, offering insurance to art groups and individual artists, performing arts spaces, and other services. This includes a web-based platform developed for artists and small arts organizations.
Local	Levin	Fractured Atlas Productions, Inc.	11-3451703	DCLA	\$3,500.00	To support the work as fiscal sponsor for local arts organizations and individual artists, offering insurance to art groups and individual artists, performing arts spaces, and other services. This includes a web-based platform developed for artists and small arts organizations.
Local	Levin	ISSUE Project Room Inc.	20-0367608	DCLA	\$3,500.00	To support public performance in multiple art disciplines featuring work by emerging artists and to provide support services, including transportation, materials, and other resources.
Local	Levin	ISSUE Project Room Inc.	20-0367608	DCLA	\$3,500.00	To support public performance in multiple art disciplines featuring work by emerging artists and to provide support services, including transportation, materials, and other resources.
Local	Levin	Pods House Inc.	13-2525098	DCLA	\$3,500.00	To provide tenant services, organize local campaigns, support general organizing efforts in various tenant groups, and provide support services for children and youth from schools throughout Manhattan, Brooklyn, Queens, the Bronx and Staten Island. Funding will enable these programs to operate and remain free providing necessary materials and resources for the classes.
Local	Levin	Pods House Inc.	13-2525098	DCLA	\$3,500.00	To provide tenant services, organize local campaigns, support general organizing efforts in various tenant groups, and provide support services for children and youth from schools throughout Manhattan, Brooklyn, Queens, the Bronx and Staten Island. Funding will enable these programs to operate and remain free providing necessary materials and resources for the classes.
Youth	Levin	New York Junior Tennis League, Inc.	23-7442256	DYCD	\$3,500.00	To feed hungry men, women and children for numerous meals two days a week, at the New York Junior Tennis League. This includes a printed map, posters, post cards, a web site, post box, and strategic email and social media.
Youth	Levin	New York Junior Tennis League, Inc.	23-7442256	DYCD	\$3,500.00	To feed hungry men, women and children for numerous meals two days a week, at the New York Junior Tennis League. This includes a printed map, posters, post cards, a web site, post box, and strategic email and social media.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Youth	CD28	First Faith Baptist Church	022918843	DYCD	\$5,000.00	Funds used to continue and expand their intensive case management department for economically disadvantaged seniors and families. Funding will allow for the coordination of elderly senior social, support and activities groups, free health screenings, and other services. Funding will also be used to support the various projects as well as the OTIS necessary to maintain the projects.
Youth	CD28	First Faith Baptist Church	022918843	DYCD	\$5,000.00	Funds used to continue and expand their intensive case management department for economically disadvantaged seniors and families. Funding will allow for the coordination of elderly senior social, support and activities groups, free health screenings, and other services. Funding will also be used to support the various projects as well as the OTIS necessary to maintain the projects.
Youth	CD28	Mundano Youth Development Center Corp., The	25-1916186	DYCD	\$9,000.00	To provide SAT preparation, visits to colleges and university campuses, and other services for high school students to ensure a smooth transition from high school to college and to provide financial aid and motivation prevention education to high school students through New York City.
Youth	CD28	Mundano Youth Development Center Corp., The	25-1916186	DYCD	\$9,000.00	To provide SAT preparation, visits to colleges and university campuses, and other services for high school students to ensure a smooth transition from high school to college and to provide financial aid and motivation prevention education to high school students through New York City.
Youth	CD28	Partnership With Children, Inc.	13-5668751	DYCD	\$5,000.00	To support the Open Heart-Open Mind program which provides classroom intervention, and individual and group counseling to youth. Funding is used for program support and staff salaries.
Youth	CD28	Partnership With Children, Inc.	13-5668751	DYCD	\$5,000.00	To support the Open Heart-Open Mind program which provides classroom intervention, and individual and group counseling to youth. Funding is used for program support and staff salaries.
Youth	CD28	South Asian Youth Action	13-3943530	DYCD	\$7,500.00	To support the South Asian Youth Action program which provides classroom intervention, and individual and group counseling to youth. Funding is used for program support and staff salaries.
Youth	CD28	South Asian Youth Action	13-3943530	DYCD	\$7,500.00	To support the South Asian Youth Action program which provides classroom intervention, and individual and group counseling to youth. Funding is used for program support and staff salaries.
Youth	CD28	South Queens Boys and Girls Club, Inc.	11-1868057	DYCD	\$13,500.00	To support after-school and summer programs serving youth ages 6-18. Services include tutoring, homework help, and leadership development. Funding will also be used for program support and staff salaries.
Youth	CD28	South Queens Boys and Girls Club, Inc.	11-1868057	DYCD	\$13,500.00	To support after-school and summer programs serving youth ages 6-18. Services include tutoring, homework help, and leadership development. Funding will also be used for program support and staff salaries.
Youth	CD28	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$17,500.00	To support free after school activities (YAS) and Junior Knicks at City Public Schools and to provide support services, including transportation, materials, and other resources. This includes a web-based platform developed for artists and small arts organizations.
Youth	CD28	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$17,500.00	To support free after school activities (YAS) and Junior Knicks at City Public Schools and to provide support services, including transportation, materials, and other resources. This includes a web-based platform developed for artists and small arts organizations.

CHART 22: Purpose of Funds Changes - Fiscal 2014 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Greenfield	Benevolent Council of Jewish Organizations	11-2588013	DFTA	\$7,500.00	To offer free children's workshops, senior films, family programming, concerts, and other activities. Funding will also be used to support the various projects as well as the OTIS necessary to maintain the projects.
Local	Greenfield	Benevolent Council of Jewish Organizations	11-2588013	DFTA	\$7,500.00	To offer free children's workshops, senior films, family programming, concerts, and other activities. Funding will also be used to support the various projects as well as the OTIS necessary to maintain the projects.
Local	CD28	West Side Services Corporation	13-2725423	DSS	\$12,000.00	To support the Neighborhood Improvement Program in beautification and upkeep of public spaces, including graffiti removal, graffiti removal, greening of public areas, and foodbank land servicing. Funding will also be used to create a mobile team.
Local	CD28	West Side Services Corporation	13-2725423	DSS	\$12,000.00	To support the Neighborhood Improvement Program in beautification and upkeep of public spaces, including graffiti removal, graffiti removal, greening of public areas, and foodbank land servicing. Funding will also be used to create a mobile team.
Local	CD28	St. Albans Congregational Church	11-2917288	DYCD	\$7,267.00	To support the Youth Leadership Program and community engagement programs (including dance and social work services).
Local	CD28	St. Albans Congregational Church	11-2917288	DYCD	\$7,267.00	To support the Youth Leadership Program and community engagement programs (including dance and social work services).
Local	CD28	Jamaica Service Program for Older Adults Inc. - Friendship Center	51-0204121	DFTA	\$14,250.00	To support the Friendship Center's programming in providing qualified community support services for seniors with mental health problems.
Local	CD28	Jamaica Service Program for Older Adults Inc. - Friendship Center	51-0204121	DFTA	\$14,250.00	To support the Friendship Center's programming in providing qualified community support services for seniors with mental health problems.
Local	CD28	Inho-Caribbean Alliance, Inc.	27-2848254	DYCD	\$7,000.00	To support the Youth Leadership Program and community engagement programs (including dance and social work services).
Local	CD28	Inho-Caribbean Alliance, Inc.	27-2848254	DYCD	\$7,000.00	To support the Youth Leadership Program and community engagement programs (including dance and social work services).
Local	CD28	Life Camp, Inc.	26-0814689	DYCD	\$8,000.00	Funds will be used to cover operational expenses for programs that serve families and individuals in need of emergency assistance.
Local	CD28	Life Camp, Inc.	26-0814689	DYCD	\$8,000.00	Funds will be used to cover operational expenses for programs that serve families and individuals in need of emergency assistance.
Local	CD28	Southeast Queens Kids Wrestling Association	11-3827181	DYCD	\$7,000.00	To support the Southeast Queens Kids Wrestling Association's programming in providing qualified community support services for seniors with mental health problems.
Local	CD28	Southeast Queens Kids Wrestling Association	11-3827181	DYCD	\$7,000.00	To support the Southeast Queens Kids Wrestling Association's programming in providing qualified community support services for seniors with mental health problems.
Local	CD28	Child Center of New York, Inc., The	11-1733454	DYCD	\$16,800.00	Funds will be used to help adults, children and youth develop and succeed through mental health services provided at the Beacon community centers at US 72 and MS 278.
Local	CD28	Child Center of New York, Inc., The	11-1733454	DYCD	\$16,800.00	Funds will be used to help adults, children and youth develop and succeed through mental health services provided at the Beacon community centers at US 72 and MS 278.







DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, July 24, 2013.

On motion of the Speaker (Council Member Quinn), 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 Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 871

**Report of the Committee on Finance in favor of approving 153 Manhattan Ave., Block 1843, Lots 14, 15, 16, Manhattan, Community District No. 7, Council District No. 8.**

The Committee on Finance, to which the annexed resolution was referred on July 24, 2013, respectfully

#### REPORTS:

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

July 24, 2013

TO: Hon. Domenic M. Recchia, Jr.  
Chair, Finance Committee

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of July 24, 2013 - Resolution approving tax exemptions for two preconsidered Land Use Items (Council District 8)

74 West 105<sup>th</sup> Street (Block 1840, Lot 60) in Manhattan consists of one building with 10 units of rental housing for low income families. The Exemption Area is owned by 74 West 105<sup>th</sup> Street Housing Development Fund Corporation (the "HDFC"), which acquired it on September 21, 1982. A combination of rising operating expenses and low rents has now created a financial hardship that endangers the continued operation of the building as an affordable housing project. HPD is therefore requesting a tax exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law in order to ensure that the building may remain affordable to low income families. The HDFC will enter into a regulatory agreement with HPD providing that, upon vacancy, dwelling units must be rented to families whose incomes do not exceed 120% of area median income.

This item has the approval of Councilmember Mark-Viverito.

153 Manhattan Avenue (Block 1843, Lots 14, 15, and 16) in Manhattan consists of three buildings with 64 units of rental housing for low income families. The Exemption Area is owned by 153 Manhattan Avenue Housing Development Fund Corporation, which acquired it on March 26, 1982. A combination of rising operating expenses and low rents has now created a financial hardship that endangers the continued operation of the building as an affordable housing project. HPD is therefore requesting a tax exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law in order to ensure that the building may remain affordable to low income families. The HDFC will enter into a regulatory agreement with HPD providing that, upon vacancy, dwelling units must be rented to families whose incomes do not exceed 80% of area median income.

This item has the approval of Councilmember Mark-Viverito.

**(For text of the coupled resolution to LU 872, please see the Report of the Committee on Land Use for LU No. 872; for text of the coupled resolution to LU No. 871, please see below following the Attachment to the Committee Report:)**

*Accordingly, this Committee recommends the adoption of LU Nos. 871 and 872.*

#### Attachment to the Committee Report:

Honorable Christine C. Quinn  
Speaker of the Council  
City Hall  
New York, New York 10007

Attention: Gary Altman

Block 1843, Lot 14  
Block 1843, Lot 15  
Block 1843, Lot 16  
("Exemption Area")  
Manhattan, Community  
District No. 7  
Council District No. 8

Dear Madame Speaker:

The referenced property ("Exemption Area") consists of three multiple dwelling that contains 64 units of rental housing for persons and families of low income. The Exemption Area is owned by 153 Manhattan Avenue Housing Development Fund Corporation, which acquired it on March 26, 1982. A combination of rising operating expenses and low rents has now created a financial hardship that endangers the continued operation of the building as an affordable housing project. HPD is therefore requesting a tax exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law in order to ensure that the building may remain affordable to low income families. The HDFC will enter into a regulatory agreement with HPD providing that, upon vacancy, dwelling units must be rented to families whose incomes do not exceed 80% of area median income.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean July 1, 2004, by which date the project began experiencing financial hardship due to limited income and rising expenses, as determined by HPD.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1843, Lot 14, Block 1843, Lot 15 & Block 1843, Lot 16 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) 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 153 Manhattan Avenue Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary,
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the exemption, the HDFC (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, 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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

Matthew M. Wambua

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

Res. No. 1872

**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. 871).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 28, 2013 that the Council take the following action regarding a housing project to be 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 July 1, 2004, by which date the project began experiencing financial hardship due to limited income and rising expenses, as determined by HPD.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1843, Lot 14, Block 1843, Lot 15 & Block 1843, Lot 16 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) 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 153 Manhattan Avenue Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary,
- (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the HDFC (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, 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.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, July 24, 2013.

On motion of the Speaker (Council Member Quinn), 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 Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 872

**Report of the Committee on Finance in favor of approving 74 West 105 Street, Block 1840, Lot 60, Manhattan Community District No. 7, Council District No. 8**

The Committee on Finance, to which the annexed resolution was referred on July 24, 2013, respectfully

**REPORTS:**

(For text of the Memo, please see the Report of the Committee on Finance for LU No. 871 printed in these Minutes)

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1873

**Resolution approving an exemption from real property taxes for property located at (Block 1840, Lot 60) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 872).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 28, 2013 that the Council take the following action regarding a housing project to be located at (Block 1840, Lot 60) Manhattan ("Exemption Area");

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean January 1, 2007, by which date the project began experiencing financial hardship due to limited income and rising expenses, as determined by HPD.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1840, 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 thirty (30) 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 74 West 105<sup>th</sup> Street Housing Development

Fund Corporation.

- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary,
    - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
    - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  4. In consideration of the Exemption, the HDFC (i) shall execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, 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.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, July 24, 2013.

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

**Reports of the Committee on Land Use**

Report for L.U. No. 842

**Report of the Committee on Land Use in favor of approving Application No. 20135677 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 2353 2nd Avenue, Borough of Manhattan, Community Board 11, Council District 8. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1665), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20135677 HAM**

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 2353 2<sup>nd</sup> Avenue (Block 1785, Lot 27), in Council District 8, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

**INTENT**

To approve an Urban Development Action Area Project and a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for a building which after rehabilitation would provide 9 dwelling units and a commercial unit.

**PUBLIC HEARING**

**DATE:** July 23, 2013

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 23, 2013

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

**In Favor:** Gonzalez, Dickens, Koo

**Against:** Barron

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** Barron

**Abstain:** None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1874

**Resolution approving an Urban Development Action Area Project located at 2353 2nd Avenue (Block 1785, Lot 27), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a real estate tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 842; 20135677 HAM).**

By Council Members Comrie and Levin.

**WHEREAS,** the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 7, 2013 its request dated April 22, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 2353 2nd Avenue (Block 1785, Lot 27), Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action

Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

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

**WHEREAS,** the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

**WHEREAS,** upon due notice, the Council held a public hearing on the Project on July 23, 2013;

**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 waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
  - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (iii) "Exemption Area" shall mean the real property located in the Borough of he Manhattan, City and State of New York, identified as Block 1785, Lot 27 on the Tax Map of the City of New York.
  - (iv) "Expiration Date" shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) 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.

- (v) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (vi) "Owner" shall mean Sponsor or any future owner of the Exemption Area.
- (vii) "Sponsor" shall mean Nite Homes Housing Development Fund Company, Inc.

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2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
  - b. Nothing herein shall entitle Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - c. The Exemption shall not apply to any building on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
  - 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.
4. In consideration of the Exemption, Owner, 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.

**ATTACHMENT:**

**PROJECT SUMMARY**

1. PROJECT: 2353 2<sup>nd</sup> Avenue
2. LOCATION:
  - a. BOROUGH: Manhattan
  - b. COMMUNITY DISTRICT: 11
  - c. COUNCIL DISTRICT: 8
  - d. Disposition Area: 

Block	Lot	Address
1785	27	2353 2 <sup>nd</sup> Avenue
3. BASIS OF DISPOSITION PRICE: Nominal (\$1)
4. TYPE OF PROJECT: Rehabilitation
5. APPROXIMATE NUMBER OF BUILDINGS: One Multiple Dwelling
6. APPROXIMATE NUMBER OF UNITS: 9 dwelling units
7. HOUSING TYPE: Rental
8. ESTIMATE OF INITIAL RENTS: Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
9. INCOME TARGETS: The Disposition Area contains one occupied building which will be sold subject to existing tenancies.
10. PROPOSED FACILITIES: One commercial unit
11. PROPOSED CODES/ORDINANCES: None
12. ENVIRONMENTAL STATUS: Type II
13. PROPOSED TIME SCHEDULE: Approximately twenty-four months from closing to completion of construction

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 852

**Report of the Committee on Land Use in favor of approving Application No. C 130155 PPQ submitted by the NYC Department of Parks and Recreation and the USTA National Tennis Center Inc. (USTA), pursuant to Section 197-c of the New York City Charter, for the disposition of a lease of city-owned property to USTA located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park, in the Borough of Queens, Community Districts 3, 4, 6, 7, 8 and 9, Council District 21. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 12, 2013 (Minutes, page 1985), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 3, 4, 6, 7, 8, 9**

**C 130155 PPQ**

City Planning Commission decision approving an application submitted by the New York City Department of Parks and Recreation and the USTA National Tennis Center, Inc., pursuant to Section 197-c of the New York City Charter, for the disposition of a lease of city-owned property to the USTA National Tennis Center Inc. located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park.

**INTENT**

To facilitate the relocation and enlargement of the Grandstand Stadium, increase and improve the pedestrian circulation areas, and improve the overall visitor experience at the National Tennis Center.

**PUBLIC HEARING**

**DATE:** June 20, 2013

**Witnesses in Favor:** Twenty **Witnesses Against:** Eight

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 24, 2013

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

**In Favor:** Levin, Gonzalez, Dickens, Koo

**Against:** Barron

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 24, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1875

**Resolution approving the decision of the City Planning Commission on ULURP No. C 130155 PPQ, for the disposition of a lease of city-owned property located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park, Borough of Queens (L.U. No. 852).**

By Council Members Comrie and Levin.

**WHEREAS,** the City Planning Commission filed with the Council on June 7, 2013 its decision dated May 22, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Parks and Recreation and the USTA National Tennis Center, Inc., for the disposition of a lease of city-owned property located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park (Application No. C 130155 PPQ), Community Districts 3, 4, 6, 7, 8, and 9; Borough of Queens (the "Application");

**WHEREAS,** the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the New York City Charter;

**WHEREAS,** upon due notice, the Council held a public hearing on the Decision and Application on June 20, 2013;

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

**WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on May 10, 2013 (CEQR No. 12DPR005Q);

**RESOLVED:**

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
- (4) The Decision together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.(c)(3).

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 this report, C 130155 PPQ, incorporated by reference herein, the Council approves the Decision for disposition of a lease of city-owned property located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park, provided that this disposition shall not be made unless and until the following shall have occurred:

The USTA surrenders to the City of New York the following two parcels of park land totaling 1.56 acres and located east of David Dinkins Circle that are currently part of the premises alienated and leased to the USTA by the Department of Parks and Recreation: Parcel 1, measuring 0.75 acres; and Parcel 2, measuring 0.81 acres, for purposes of active and passive recreation in Flushing Meadows-Corona Park. Such surrender shall be subject to the following conditions and limitations with respect to Parcel 2: a). that the USTA shall not utilize the tennis courts on Parcel 2, except during the US Open when the USTA may be granted permission to have exclusive use of such courts, provided further that the USTA may seek permission from the Department of Parks and Recreation for use of the 5 tennis courts for other tournaments; and b). the USTA shall remain responsible for maintenance of the five tennis in a state of good repair for purposes of their use by the general public.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 857

**Report of the Committee on Land Use in favor of filing Application no. 20135352 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Westville Hudson LLC, d/b/a Westville, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 333 Hudson Street, in the Borough of Manhattan, Community District 2, Council District 3. 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 §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2691), respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 2

20135352 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Westville Hudson, LLC, d/b/a Westville, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 333 Hudson Street.

The application was called up and introduced as L.U. 857. However, since no action will be taken, this application for a revocable consent will be filed.

A motion to file in accordance with Rule 7.90 of the Rules of the Council is required to remove L.U. 857 from the calendar.

##### SUBCOMMITTEE RECOMMENDATION

**DATE:** July 22, 2013, recessed to July 23, 2013

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to Rule 7.90 of the Rules of the City Council.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

##### COMMITTEE ACTION

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1876

**Resolution approving a motion to file L.U. 857 concerning an application for a revocable consent for an unenclosed sidewalk café located at 333 Hudson Street, Borough of Manhattan (20135352 TCM; L.U. No. 857).**

By Council Members Comrie and Weprin.

**WHEREAS,** the Department of Consumer Affairs filed with the Council on June 10, 2013 its approval dated June 10, 2013 of the petition of Westville Hudson, LLC, d/b/a Westville, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 333 Hudson Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS,** the application was called up and introduced as L.U. 857. However, since no action will be taken, this application for a revocable consent will be filed;

**WHEREAS,** L.U. 857 will be filed pursuant to a motion to file in accordance with Rule 7.90 of the Rules of the Council;

##### **RESOLVED:**

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

Coupled to be Filed.

Report for L.U. No. 858

**Report of the Committee on Land Use in favor of filing Application no. 20135587 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 183 Condechi Associates, LLC, d/b/a Café Condesa, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 183 West 10th Street, in the Borough of Manhattan, Community District 2, Council District 3. 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 §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2691), respectfully

#### REPORTS:

##### SUBJECT

MANHATTAN CB - 2

20135587 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 183 Condechi Associates, LLC, d/b/a Café Condesa, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 183 West 10<sup>th</sup> Street.

The application was called up and introduced as L.U. 858. However, since no action will be taken, this application for a revocable consent will be filed.

A motion to file in accordance with Rule 7.90 of the Rules of the Council is required to remove L.U. 858 from the calendar.

##### SUBCOMMITTEE RECOMMENDATION

**DATE:** July 22, 2013, recessed to July 23, 2013

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to Rule 7.90 of the Rules of the City Council.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1877

**Resolution approving a motion to file L.U. 858 concerning an application for a revocable consent for an unenclosed sidewalk café located at 183 West 10th Street, Borough of Manhattan (20135587 TCM; L.U. No. 858).**

By Council Members Comrie and Weprin.

**WHEREAS,** the Department of Consumer Affairs filed with the Council on June 10, 2013 its approval dated June 10, 2013 of the petition of 183 Condechi Associates, LLC, d/b/a Café Condesa, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 183 West 10th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS,** the application was called up and introduced as L.U. 858. However, since no action will be taken, this application for a revocable consent will be filed;

**WHEREAS,** L.U. 858 will be filed pursuant to a motion to file in accordance with Rule 7.90 of the Rules of the Council;

**RESOLVED:**

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

Coupled to be Filed.

Report for L.U. No. 859

**Report of the Committee on Land Use in favor of approving Application no. 20135774 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Francis Louis, LLC, d/b/a Frankie's 570 Spuntino, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 570 Hudson Street, in the Borough of Manhattan, Community District 2, Council District 3. 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 §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2692), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20135774 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Francis Louis, LLC, d/b/a Frankie's 570 Spuntino, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 570 Hudson Street.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013, recessed to July 23, 2013

**The Subcommittee recommends that the Land Use Committee approve the Petition.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1878

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 570 Hudson Street, Borough of Manhattan (20135774 TCM; L.U. No. 859).**

By Council Members Comrie and Weprin.

**WHEREAS,** the Department of Consumer Affairs filed with the Council on June 10, 2013 its approval dated June 10, 2013 of the petition of Francis Louis, LLC, d/b/a Frankie's 570 Spuntino, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 570 Hudson Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS,** upon due notice, the Council held a public hearing on the Petition on July 22, 2013; and

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

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 860

**Report of the Committee on Land Use in favor of approving Application no. 20135775 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Apicio LLC, d/b/a Tertulia, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 359 6th Avenue, in the Borough of Manhattan, Community District 2, Council District 3. 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 §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2692), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20135775 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Apicio, LLC, d/b/a Tertulia, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 359 6<sup>th</sup> Avenue.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013, recessed to July 23, 2013

**The Subcommittee recommends that the Land Use Committee approve the Petition.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1879

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 359 6<sup>th</sup> Avenue, Borough of Manhattan (20135775 TCM; L.U. No. 860).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on June 10, 2013 its approval dated June 10, 2013 of the petition of Apicio, LLC, d/b/a Tertulia, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 359 6<sup>th</sup> Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on July 22, 2013; and

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

**RESOLVED:**

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 861

**Report of the Committee on Land Use in favor of approving Application No. N 130189(A) ZRM, submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article XIII, Chapter 4, establishing the Special Governors Island District in the Borough of Manhattan, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2692), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**N 130189(A) ZRM**

City Planning Commission decision approving an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to

Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, and to amend related Sections.

**INTENT**

To amend the text of the Zoning Resolution to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Manhattan.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** Four                      **Witnesses Against:** Seven

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013 and July 24, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 24, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1880

**Resolution approving the decision of the City Planning Commission on Application No. N 130189(A) ZRM, for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Borough of Manhattan, and to amend related Sections (L.U. No. 861).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on June 7, 2013 its decision dated June 5, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island for an amendment to the Zoning Resolution of the City of New York to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, (Application No. N 130189(A) ZRM), Borough of Manhattan (the "Application");

**WHEREAS,** the Application is related to application C 130190 ZMM (L.U. No. 862), an amendment of the Zoning Map, Section No. 16a, mapping the Special Governors Island District;

**WHEREAS,** the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS,** upon due notice, the Council held a public hearing on the Decision and Application on July 22, 2013;

**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 and the Final Supplemental Generic Environmental Impact Statement ("FSGEIS") for which a Notice of Completion was issued on May 23, 2013 (CEQR No. 11DME007M);

**RESOLVED:**

Having considered the FSGEIS with respect to the Decision and Application, the Council finds that:

- (1) The FSGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FSGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated May 31, 2013, from The Trust for Governors Island and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision together with the FSGEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130189(A) ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter Underlined is new, to be added;  
 Matter in ~~Strikeout~~ is old, to be deleted;  
 Matter within # # is defined in Section 12-10;  
 \* \* \* indicate where unchanged text appears in the Zoning Resolution

**Article I  
 Chapter 1**

**11-122  
 Districts Established**

\* \* \*

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

\* \* \*

**Article I  
 Chapter 2**

**12-10  
 DEFINITIONS**

\* \* \*

Special Governors Island District

The "Special Governors Island District" is a Special Purpose District designated by the letters "GI" in which the special regulations set forth in Article XIII, Chapter 4, apply.

\* \* \*

Physical culture or health establishments (2/2/11)

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in the #Special Battery Park City District#—special purpose districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

\* \* \*

#### Article I: General Provisions

##### Chapter 3

#### Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

##### 13-05

#### Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

\* \* \*

#### Article VI

##### Chapter 2

#### Special Regulations Applying in the Waterfront Area

##### 62-13

#### Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Governors Island District#

#Special Stapleton Waterfront District#.

The #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in

Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

\* \* \*

#### Article XIII – Special Purpose Districts

##### Chapter 4

#### Special Governors Island District

##### 134-00

#### GENERAL PURPOSES

The #Special Governors Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural, and commercial uses;
- (e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
- (f) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

##### 134-01

#### General Provisions

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning district remain in effect.

##### 134-02

#### Applicability of Parking and Loading Regulations

The off-street parking and loading regulations of the underlying zoning district and Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core),

shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

##### 134-03

#### Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

##### 134-10

#### SPECIAL USE REGULATIONS

**134-11****Commercial Uses**

The following #commercial uses# shall be allowed:

**From Use Group 5:**

All #uses#.

**From Use Groups 6A, 6B, 6D, 6E, and 6F:**

All #uses#.

**From Use Group 6C:**

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

**From Use Groups 7A and 7E:**

All #uses#.

**From Use Group 7B:**

Bicycle rental or repair shops  
Sailmaking establishments  
Sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

**From Use Groups 8A and 8E:**

All #uses#.

**From Use Group 9A:**

All #uses#, except for automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostating establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs or umbrella repair shops.

**From Use Group 9C:**

All #uses#.

**From Use Group 10A:**

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load  
Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels  
Photographic or motion picture productions studios  
Radio or television studios.

**From Use Group 10C:**

All #uses#.

**From Use Group 11A and 11C:**

All #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments, or orthopedic or medical appliances, or custom manufacturing.

**From Use Group 12A:**

All #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, stadiums or trade exhibitions.

**From Use Groups 12B, 12C, and 12E:**

All #uses#.

**From Use Group 13:**

All #uses#.

**From Use Group 14:**

All #uses#.

**From Use Group 15:**

Merry-go-rounds.

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall only be permitted provided that, prior to the

establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

**134-12****Authorization for Certain Commercial Uses**

The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11 to locate within the #Special Governors Island District#, provided that such #commercial use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) complements existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within the special district.

**134-13****Physical Culture or Health Establishments**

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

**134-14****Signs**

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

**134-20****SPECIAL BULK REGULATIONS****134-21****Special Regulations for Commercial Uses**

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

**134-22****Special Height and Setback Regulations**

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

\* \* \*

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 862

**Report of the Committee on Land Use in favor of approving Application No. C 130190 ZMM, submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, by establishing a Special Governors Island District (GI), in the Borough of Manhattan, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2693), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**C 130190 ZMM**

City Planning Commission decision approving an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a by establishing a Special Governors Island District (GI) bounded by a line 2675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the northerly, northeasterly and southeasterly shorelines of Governors Island, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 19, 2013.

**INTENT**

This amendment to the Zoning Map along with the related action would establish the Special Governors Island District in Community District 1, Manhattan.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** Four

**Witnesses Against:** Seven

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013 and July 24, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 24, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1881

**Resolution approving the decision of the City Planning Commission on ULURP No. C 130190 ZMM, a Zoning Map amendment (L.U. No. 862).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on June 7, 2013 its decision dated June 5, 2013 (the "Decision"), on the application submitted by Governors Island Corporation d/b/a The Trust for Governors Island, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16a, to establish the Special Governors Island District in Community District 1, (ULURP No. C 130190 ZMM), Borough of Manhattan (the "Application");

**WHEREAS,** the Application is related to application N 130189(A) ZRM (L.U. No. 861), an amendment to the Zoning Resolution creating the Special Governors Island District, and amending related sections of the Zoning Resolution;

**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 July 22, 2013;

**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 and the Final Supplemental Generic Environmental Impact Statement ("FSGEIS") for which a Notice of Completion was issued on May 23, 2013 (CEQR No. 11DME007M);

**RESOLVED:**

Having considered the FSGEIS with respect to the Decision and Application, the Council finds that:

(1) The FSGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FSGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated May 31, 2013, from The Trust for Governors Island and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable; and

(4) The Decision together with the FSGEIS constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130190 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16a by establishing a Special Governors Island District (GI) bounded by a line 2675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the northerly, northeasterly and southeasterly shorelines of Governors Island, as shown on a diagram (for illustrative purposes only) dated February 19, 2013, Community District 1, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 863

**Report of the Committee on Land Use in favor of approving Application No. N 130178 ZRM submitted by the New York City Department of Cultural Affairs pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to certain provisions of Article IX, Chapter 3, (Special Hudson Yards District), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2693), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4      N 130178 ZRM**

City Planning Commission decision approving an application submitted by the Department of Cultural Affairs pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

**INTENT**

To amend the text of the Zoning Resolution to facilitate the development of a cultural facility known as the "Culture Shed".

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** Eight      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013, recessed to July 23, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1882

**Resolution approving the decision of the City Planning Commission on Application No. N 130178 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), in Community District 4, Borough of Manhattan (L.U. No. 863).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on July 3, 2013 its decision dated June 19, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of Cultural Affairs, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), in Community District 4 (Application No. N 130178 ZRM), Borough of Manhattan (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on July 22, 2013;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the revised negative declaration (CEQR No. 13DCP083M) issued on June 17, 2013 (the "Revised Negative Declaration");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130178 ZRM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Hudson Yards District**

\* \* \*

**93-00  
GENERAL PURPOSES**

\* \* \*

**93-01  
Definitions**

**ERY Culture, Festival and Exhibit Facility**

An "ERY Culture, Festival and Exhibit Facility" is a #use#, operated by a not for profit entity, that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, crafts, fashion and design, or any similar artistic activity. No trade shows shall be permitted unless they are related to one of the activities listed in the preceding sentence. Any #building# in which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71(i).

\* \* \*

**93-10  
USE REGULATIONS**

**93-101  
ERY Culture, Festival and Exhibit Facility**

For purposes of this Chapter, all references to community facility#, community facility use# or uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an ERY Culture, Festival and Exhibit Facility#.

\* \* \*

**93-17  
Modification of Sign Regulations**

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying sign# regulations shall apply, except that flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. The following modifications to the underlying sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

\* \* \*

- (4) For an ERY Culture, Festival and Exhibit Facility#, the total surface area# of all permitted signs# and banners shall be as set forth in this subsection. The maximum aggregate surface area# of all signs# shall not exceed 2,700 square feet. Signs# (other than banners) facing the outdoor plaza, as described in Section 93-71(b), shall not exceed a maximum aggregate surface area# of 200 square feet; signs# facing the Connection to the High Line, as described in Section 93-71(f), shall not exceed a maximum aggregate surface area# of 200 square feet; and signs# facing West 30th Street shall not exceed a maximum aggregate surface area# of 1,700 square feet. A maximum of 600 square feet of signs# in the form of banners are permitted facing or within the outdoor plaza. No sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71(i) and no signs# facing West 30th Street shall be located at a height above the High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any sign# that exceeds 300 square feet of surface area# shall be non-illuminated# or a sign with indirect illumination#.

\* \* \*

**93-20  
FLOOR AREA REGULATIONS**

The floor area# regulations of this Section, inclusive, shall apply to zoning lots#.

**93-21  
Floor Area Regulations in the Large-Scale Plan Subdistrict A**

In the Large-Scale Plan Subdistrict A, the floor area# provisions of this Section shall apply.

\* \* \*

- (b) Eastern Rail Yard Subarea A1

- (1) The maximum floor area ratio# for any zoning lot# in the subarea shall be 11.0. The maximum floor area ratio# for commercial use# shall be 9.0, the maximum floor area ratio# for community facility use#, shall be 2.0, and the maximum floor area ratio# for residential use# shall be 3.0. Residential use# shall only be permitted on a zoning lot# with non-residential floor area ratio # of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an ERY Culture, Festival and Exhibit Facility#, including any floor space accessory# thereto, that is located:

- (i) below the elevation of the Culture Shed Plaza described in Section 93- 71(i).
- (ii) within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or
- (iii) within a portion of a building# that contains residential use# and is not designed to house the moveable portion described above, shall be exempt from the definition of floor area# for the purposes of calculating the permitted floor area ratio# for community facility uses# and the total maximum floor area ratio# of the zoning lot#. In addition, in a building# containing both residential use# and an ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the residential use# that is either located on any story# occupied entirely by the ERY Culture, Festival and Exhibit Facility# except for such elevator shafts, structural systems, and stairwells, or is located on a story# occupied in part by the ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for residential use# on such story# except for emergency egress, shall be exempt from the definition of floor area# for the purposes of calculating the permitted floor area ratio# for residential uses# and the total maximum floor area ratio# of the zoning lot#.

For a building# or portion of a building# containing residential use# that is located adjacent to the ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the ERY High Line# shall be exempt from the definition of floor area# for the purposes of calculating the permitted floor area ratio# for residential or community facility uses# and the total maximum floor area ratio# of the zoning lot#.

\* \* \*

**93-514  
Eastern Rail Yard Subarea A1**

- (a) Location of buildings#

Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:

- (i) such area contains only uses# in Use Groups 3 and 4; or
- (ii) where such area includes residential use#, ~~(a) such residential use# is permitted shall be located~~ only in a building# or portion of a building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such building# may also include uses in Use Groups 3, 4, 6A and 6C, ~~and (b) a building# containing only uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.~~ In addition, uses# in Use Group 3 or 4 may be located in a building# separate from any building# containing residential use#, provided that any such separate building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.

\* \* \*

**93-70****PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES**

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71, paragraph (h), the requirements set forth in such Section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71, paragraph (b), to be constructed in phases. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in Section 93-71, paragraph (h). Issuance of a temporary or permanent certificate of occupancy for any #building# or portion of a #building# not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (i) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and

Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

**93-71**

**Public Access Areas in the Eastern Rail Yard Subarea A1**  
Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

- (a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (i), of this Section. For purposes of determining compliance with such 55% and 40% requirements, the Culture Facility Plaza, any portion of the Connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f) of this Section, and any portion of the Connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) of this Section shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the Connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

- (1) unenclosed public access areas shall be accessible between the hours of 6:00 am and 1:00 am, except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;
- (2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 am and 10:00 pm; and
- (3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 am and 1:00 am.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement "Open to the Public," followed by the hours of operation specified in this paragraph, (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (i) of this Section.

- (b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the “outdoor plaza”), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building# or other structure#. In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

- (1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30<sup>th</sup> Street;
- (2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;
- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of one foot in the east/west dimension for every four feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a building may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building# or portion of a #building# located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30<sup>th</sup> Street containing ~~only~~ #uses# in Use Group 3 or 4 ~~or an #ERY Culture, Festival and Exhibit Facility#.~~ ~~located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

\* \* \*

(f) Connection to the High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the “connection”) shall be provided that has a minimum width, measured parallel to the High Line, of ~~80~~ 60 feet, and is located east of the Culture Facility Plaza. ~~If any portion is covered~~ For a width of 60 feet measured parallel to the High Line, the clear height of ~~such~~ the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as

measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing ~~such~~ the connection.

\* \* \*

(i) Culture Facility Plaza

A publicly accessible space located east of and abutting the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come first served or timed basis shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 am and 1:00 am. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of this subparagraph or paragraph (a) of Section 93-71 related to the Culture Facility Plaza.

\* \* \*

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 864

**Report of the Committee on Land Use in favor of approving Application No. C 130161 ZMK submitted by Pitkin-Berriman HDFC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 17c, by changing Block 4005, Lot 1-2, 28, 35 & 38 from R5/C1-3 to R7A/C2-4 and creating a C1-3 overlay district on Lots 1, 2 and p/o 8, in the Borough of Brooklyn, Community District 5, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2693), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 5**

**C 130161 ZMK**

City Planning Commission decision approving an application submitted by Pitkin Berriman HDFC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c:

1. eliminating from within an existing R5 District a C1-3 District property bounded by a line 150 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue; and
3. establishing within the proposed R7A District a C2-4 District property bounded by a line 100 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue;

as shown on a diagram (for illustrative purposes only) dated February 4, 2013, and subject to the conditions of CEQR Declaration E-298.

**INTENT**

To amend the Zoning Map, Section No. 17c, to facilitate the development of a 7-story mixed-use building with ground-floor commercial space and 60 dwelling units in the East New York section of Brooklyn.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** One                      **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013, recessed to July 23, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1883

**Resolution approving the decision of the City Planning Commission on ULURP No. C 130161 ZMK, a Zoning Map amendment (L.U. No. 864).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on June 21, 2013 its decision dated June 19, 2013 (the "Decision"), on the application submitted by Pitkin Berriman HDFC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17c, to change an R5/C1-3 zoning district to an R7A/C2-4 and remove a C1-3 overlay from an R5

zoning district on a block bounded by Pitkin Avenue, Shepherd Avenue, and Berriman Street, to facilitate the development of a 7-story mixed-use building with ground-floor commercial space and 60 dwelling units in the East New York section of Brooklyn, in Community District 5 (ULURP No. C 130161 ZMK), Borough of Brooklyn (the "Application");

**WHEREAS,** the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS,** upon due notice, the Council held a public hearing on the Decision and Application on July 22, 2013;

**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, and the negative declaration (CEQR No. 13DCP067K) issued on February 4, 2013 (the "Negative Declaration") which included the CEQR Declaration E-298;

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and CEQR Declaration E-298.

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 this report, C 130161 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17c,

1. eliminating from within an existing R5 District a C1-3 District property bounded by a line 150 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue;
2. changing from an R5 District to an R7A District property bounded by a line 100 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue; and
3. establishing within the proposed R7A District a C2-4 District property bounded by a line 100 feet northerly of Pitkin Avenue, Berriman Street, Pitkin Avenue, and Shepherd Avenue;

as shown on a diagram (for illustrative purposes only) dated February 4, 2013, and subject to the conditions of CEQR Declaration E-298, Community District 5, Borough of Brooklyn.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 865

**Report of the Committee on Land Use in favor of approving Application No. C 110178 ZMQ submitted by T.F. Cusanelli Architect P.C., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 9a, adding a C1-4 overlay to an existing R5 district at 23rd Street and 33rd Avenue, in the Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2694), respectfully

**REPORTS:**

**SUBJECT**

QUEENS CB - 1

C 110178 ZMQ

City Planning Commission decision approving an application submitted by T. F. Cusanelli Architect, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, establishing within an existing R5 District a C1-4 District bounded by a line 100 feet southwesterly of Broadway, 23rd Street, 33rd Avenue, and a line 100 feet northwesterly of 23rd Street, as shown in a diagram (for illustrative purposes only) dated March 4, 2013 and subject to the conditions of CEQR Declaration E-300.

**INTENT**

To establish a C1-4 District within an existing R5 District, on a portion of one block, to legalize an existing non-complying side yard condition on a zoning lot containing five attached buildings on separate tax lots.

**PUBLIC HEARING**

DATE: July 22, 2013

Witnesses in Favor: Two

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: July 22, 2013, recessed to July 23, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio

**Against:** None**Abstain:** None**COMMITTEE ACTION**

DATE: July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio

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

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1884

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110178 ZMQ, a Zoning Map amendment (L.U. No. 865).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on June 21, 2013 its decision dated June 19, 2013 (the "Decision"), on the application submitted by T.F. Cusanelli Architect, P.C., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 9a, to establish a C1-4 District within an existing R5 District, on a portion of one block, to legalize an existing non-complying side yard condition on a zoning lot containing five attached buildings on separate tax lots in Community District 1 (ULURP No. C 110178 ZMQ), Borough of Queens (the "Application");

**WHEREAS,** the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS,** upon due notice, the Council held a public hearing on the Decision and Application on July 22, 2013;

**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, and the negative declaration (CEQR No. 11DCP069Q) issued on March 4, 2013 (the "Negative Declaration") which included the CEQR Declaration E-300;

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and CEQR Declaration E-300.

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 this report, C 110178 ZMQ, incorporated by reference herein, the Council approves the Decision

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a, by establishing within an existing R5 District a C1-4 District bounded by a line 100 feet southwesterly of Broadway, 23rd Street, 33rd Avenue, and a line 100 feet northwesterly of 23rd Street, as shown in a diagram (for illustrative purposes only) dated March 4, 2013 and subject to the conditions of CEQR Declaration E-300, Community District 1, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 869

**Report of the Committee on Land Use in favor of approving Application No. 20135777 HAK submitted by the New York City Department of Housing Preservation and Development ("HPD"), for approval of the proposed disposition of property located at Brooklyn, Block 1861, Lot 119, subject to restrictions pursuant to Private Housing Finance Law (PHFL) Section 122 (1), Borough of Brooklyn, Community Board 3, Council District 36. This matter is subject to Council review and action at the request of HPD and pursuant to PHFL Section 122(1).**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2695), respectfully

**REPORTS:****SUBJECT**

BROOKLYN CB - 3

20135777 HAK

Application submitted by the New York City Department of Housing Preservation and Development ("HPD"), for approval of the proposed disposition of property located at Block 1861, Lot 119, pursuant to the Private Housing Finance Law, Section 122(1).

**INTENT**

To convey Lot 119 to facilitate the construction of a new multiple-dwelling building that will provide approximately 57 units.

**PUBLIC HEARING**

DATE: July 23, 2013

**Witnesses in Favor:** Three    **Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 23, 2013

The Subcommittee recommends that the Land Use Committee approve HPD’s request.

**In Favor:** Gonzalez, Dickens, Koo  
**Against:** Barron  
**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio  
**Against:** Barron  
**Abstain:** None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1885

**Resolution approving a conveyance of property located on Block 1861, Lot 119, Borough of Brooklyn, pursuant to Section 122(1) of the Private Housing Finance Law (L.U. No. 869; 20135777 HAK).**

By Council Members Comrie and Levin.

**WHEREAS,** the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 20, 2013 its request dated June 10, 2013 that the Council take the following actions regarding the following project (the "Project") located on Block 1861, Lot 119 (the "Conveyance Area"), Community District 3, Council District 36, Borough of Brooklyn:

Approve pursuant to Section 122(1) of the Private Housing Finance Law (PHFL), the conveyance of the Conveyance Area by the current owner to the new owner;

**WHEREAS,** upon due notice the Council held a public hearing on the Project on July 23, 2013;

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

**RESOLVED:**

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

“Current Owner” shall mean Fulton Street South Redevelopment Company, L.P., a Redevelopment Company.

“New Owner” shall mean Fulton Street Development, L.L.C.

The Council approves pursuant to Section 122(1) of the Private Housing Finance Law, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 870

**Report of the Committee on Land Use in favor of approving Application no. 20135658 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of R&G Spring LLC, d/b/a Piccola Cucina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 196 Spring Street, in the Borough of Manhattan, Community District 2, Council District 3. 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 §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 26, 2013 (Minutes, page 2696), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20135658 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of R & G Spring LLC, d/b/a Piccola Cucina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 196 Spring Street.

**INTENT**

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

**PUBLIC HEARING**

**DATE:** July 22, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 22, 2013, recessed to July 23, 2013

**The Subcommittee recommends that the Land Use Committee approve the Petition.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Garodnick, Lappin, Wills, Ignizio  
**Against:** None  
**Abstain:** None

**COMMITTEE ACTION**

**DATE:** July 23, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Weprin, Williams, Wills, Ignizio  
**Against:** None  
**Abstain:** None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1886

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 196 Spring Street, Borough of Manhattan (20135658 TCM; L.U. No. 870).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on June 21, 2013 its approval dated June 21, 2013 of the petition of R & G Spring, LLC, d/b/a Piccola Cucina, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 196 Spring Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on July 22, 2013; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, July 23, 2013.

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

### Reports of the Committee on Public Safety

Report for Int. No. 1053-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to special medical needs shelters operated during and after certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1912), respectfully

#### REPORTS:

#### I. INTRODUCTION

On June 20<sup>th</sup> 2013, the Committee on Public Safety, chaired by Council Member Peter F. Vallone Jr., held an oversight hearing to review the City's Hurricane Sandy After Action Report and Recommendations ("the After Action Report"). The Committee heard testimony from Deputy Mayors Caswell Holloway and Linda Gibbs as well other interested parties on ten pieces of legislation, all of which were aimed at improving the City's response to severe weather events and other emergencies. Thereafter, on July 23<sup>rd</sup> 2013, the Committee on Public Safety held a hearing to vote on nine proposed bills. At that hearing all nine bills were approved by the committee with a vote of seven in the affirmative and zero in the negative. Accordingly, the Committee recommends the adoption of these pieces of legislation.

#### II. BACKGROUND

Superstorm Sandy hit New York City with intensity unparalleled by any coastal storm in recent history. The storm began on October 22, 2012, as a tropical depression cyclone in the southern Caribbean with wind speeds below 39 mph.<sup>1</sup> The depression strengthened and became Tropical Storm Sandy, with maximum winds of

about 40 mph.<sup>2</sup> By October 24<sup>th</sup>, Sandy was a Category 1 hurricane and crossed Jamaica with reported winds of 80 mph. On October 26<sup>th</sup>, Sandy struck Cuba with winds of about 110 mph, just below the status of a major Category 3 hurricane and on October 27<sup>th</sup>, the storm turned to the northeast, off the coast of Florida, and left in its path an estimated death toll in the Caribbean of 70 or more. After briefly weakening to a tropical depression, Sandy re-intensified into a Category 1 hurricane and meteorologists warned that the storm would likely morph into a powerful, hybrid super-storm as it moved further northward towards a high-pressure cold front that was expected to force Sandy to start turning to the northwest toward Baltimore, Washington, Philadelphia and New York.<sup>3</sup> The full moon was expected to make Sandy's storm surge – initially expected to be 11 to 12 feet in some places – even a little higher as it made landfall.<sup>4</sup>

On October 29<sup>th</sup> Sandy made the anticipated sharp turn toward the northwest on a path to the coast of New Jersey.<sup>5</sup> The storm began interacting with other weather systems and gained energy and by approximately 8 p.m. Sandy's center had come ashore near Atlantic City, New Jersey. The storm's unusual path from the southeast made its storm surge much worse for New Jersey and New York.<sup>6</sup> In fact, the National Weather Service's New York office reported that the nearly 14 foot surge was a new record for a storm surge in the harbor. The surge topped the seawall at The Battery in Lower Manhattan and flooded parts of the City's subway system. The surge also flooded the Hugh Carey Tunnel that links Lower Manhattan to Brooklyn and did unspeakable damage throughout Staten Island, Coney Island, and the Rockaways.<sup>7</sup> As a result, forty-three New Yorkers lost their lives – half of whom were on Staten Island – and tens of thousands were injured, or temporarily or permanently displaced by the storm's impact.<sup>8</sup>

#### III. CITY COUNCIL HEARINGS

Following Sandy's aftermath, the City Council held nearly a dozen hearings in January and February in an effort to assess the City's preparation for, response to, and recovery efforts stemming from the Superstorm. At these hearings the Council heard testimony from the Mayor's Office and various City agencies, advocates, and community members and gained insight into the City's response to Superstorm Sandy.

On June 20<sup>th</sup>, the Public Safety Committee conducted an oversight hearing to review the City's Hurricane Sandy After Action Report and Recommendations. In addition to the oversight topic, the Committee heard testimony on ten bills aimed at improving the City's response to severe weather events and other emergencies. At the June 20<sup>th</sup> hearing, Deputy Mayors Caswell Holloway and Linda Gibbs testified that the Administration "recognize[d] that additional planning is needed in the form of additions or refinements to the existing Coastal Storm Plan."<sup>9</sup> While they raised some concerns about the level of detail found in the proposed legislation, they testified that they "supported the general goals of these bills."<sup>10</sup> Amendments were made to all of the bills after the hearing.

#### IV. ANALYSIS OF PROPOSED LEGISLATION

As a result of testimony and information obtained at the aforementioned hearings, Council recommendations and the After Action Report, the nine bills being voted on today seek to require the City's Office of Emergency Management ("OEM") to work with City agency partners and others to improve the City's preparation for and response to severe weather events and other emergency conditions. More specifically, the bills require OEM to develop strategies and implement the following:

- i. a plan to ensure the tracking of persons who are in special medical needs shelters during an emergency;
- ii. a community recovery plan that provides a basic structure for relief operations in the community, including community recovery directors who would act as points of contact for residents and community groups;
- iii. an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after certain emergency events;
- iv. a plan to ensure that the public has adequate access to food and water during emergencies;
- v. a plan to ensure that evacuation shelters are properly stocked and adequate for short, medium and long term stays;
- vi. a recovery plan for small businesses and non-profits;
- vii. a traffic management plan; and
- viii. a fuel management plan to ensure access to fuel as well as determine who has priority in obtaining fuel during such a shortage.

In addition, the ninth proposed bill would require OEM to regularly review these plans and all plans prepared for the purpose of responding to coastal storms and other severe weather and natural disaster events, and to make appropriate changes regularly and as necessary. Furthermore, the ninth bill would require OEM to provide copies of the plans to the Council as well as any proposed changes to the plans as determined by OEM's regular reviews.

**V. ANALYSIS OF INT. NO. 1053-A**

Section one of Int. No. 1053-A would amend chapter one of title thirty of the Administrative Code to add a new section 30-110 regarding special medical needs shelters operated as a result of coastal storms and other severe weather and natural disaster events. New section 30-110 would require the Commissioner of OEM to develop and implement a plan by December 1, 2013 to adequately track persons who enter or exit special medical needs shelters during such events. The plan would also include the dissemination of bracelets or other wearable identification devices that may be used voluntarily by those at shelters, if such devices have not been provided by the State. Such devices would include, as permitted by State and federal law, identifying information, emergency contact information, and information about the persons medical needs that has been provided. Alternatively, the devices may include identification numbers that would reference such information. OEM's plan would also include a mechanism for tracking medical needs of individuals at such shelters, including necessary medications, so long as the State has not provided such a mechanism. Further, OEM would be required to include in its plan a mechanism whereby individuals at special medical needs shelters may be contacted by family members or guardians who wish to locate them, including the designation of a point of contact for such information and how it will be publicized. OEM would also be required to consult with community based organizations and service providers with relevant expertise in developing such plan.

Section two of Int. No. 1053-A provides that the local law would take effect immediately.

**VI. ANALYSIS OF INT. NO. 1054-A**

Section one of Int. No. 1054-A would amend chapter one of title thirty of the Administrative Code to add a new section 30-106 regarding the creation of a community recovery plan to be utilized before, during, and after coastal storms and other severe weather and natural disaster events. The new section 30-106 would require the Commissioner of OEM to develop and implement a plan by December 1, 2013 that specifies the steps that OEM and its partners would take in preparation for, during, and immediately after such events take place. OEM's plan would be required to include, at a minimum, the establishment of community recovery directors and deputy recovery directors who are to be present in the area(s) impacted by the emergency event. The plan would also explain the criteria OEM will use to choose the community recovery directors and deputy directors, and describe their basic duties, which must include the fact that these persons are responsible to act as main points of contact within communities for providing general services and fulfilling critical needs. The plan would further describe how the directors and deputy directors will work with federal and state representatives to assist people with accessing emergency benefits as well as how such directors will work with community based organization, service providers, and volunteers. Additionally, the plan would include a description of ways to create a more unified and rapid recovery assistance operation, including ways to leverage community based organizations, service providers, and volunteers and how best to utilize federal and state resources in an expedited manner; the creation of a uniform information sharing plan that each community recovery director or deputy will use to inform residents, elected officials, and the press about the services they will be providing and how best to contact them; the establishment of field recovery offices in or near affected communities as soon as possible after an emergency event takes place; a description of how the items necessary for operation of the recovery offices will be established; and an information dissemination strategy that identifies and utilizes major hubs and distribution centers to share information about services available. The plan would also require that all public communications be available in the most commonly spoken language of affected communities.

Section two of Int. No. 1054-A would provide that the local law would take effect immediately.

**VII. ANALYSIS OF INT. NO. 1065-A**

Section one of Int. No. 1065-A would amend chapter one of title thirty of the Administrative Code of the City of New York to add a new section 30-111 regarding outreach and recovery to vulnerable and homebound individuals. New section 30-111 would require the Commissioner of OEM to develop and implement a plan by December 1, 2013 that creates a strategy for identifying, conducting outreach to, communicating with, and assisting vulnerable and homebound individuals before, during, and after coastal storms, and other severe weather and natural disaster events. The plan would be required to include a mechanism for utilizing existing lists of homebound and vulnerable individuals, while respecting any applicable confidentiality requirements, such as lists maintained by community based groups, service providers and relevant City agencies including, at a minimum, the Department for the Aging, the Department of Health and Mental Hygiene, the Human Resources Administration, and the New York City Housing Authority. The Advance Warning System utilized by OEM, or any later iteration of the system, would be incorporated into the mechanism as well. Additionally, OEM would be required to develop a process whereby vulnerable and homebound individuals can receive information on how to request being added to a list or system used by OEM. Further, the plan would describe how OEM will coordinate with community organizations, agencies, and service providers to assist vulnerable and homebound individuals. OEM's plan would also include the establishment of a Door-to-Door Task Force that

would create and implement a strategy for locating, assisting, and providing information to vulnerable and homebound individuals, as well as assisting in recovery efforts following an emergency, such as delivering necessary supplies and services. A description of how information, supplies, services, and transportation would be made to available to homebound and vulnerable individuals to facilitate any necessary relocations would be provided in the plan, along with a mechanism for making oral and written public communications available in the most commonly spoken languages of affected communities, to the extent practicable. Lastly, OEM would be required to consult with community based groups and service providers with relevant expertise in developing such plan.

Section two of Int. No. 1065-A would provide that the local law would take effect immediately.

**VIII. ANALYSIS OF INT. NO. 1069-A**

Section one of Int. No. 1069-A would amend chapter one of title thirty of the Administrative Code of the City of New York to add a new section 30-104. New section 30-104 would require that the OEM develop a food and water access plan no later than December 1, 2013 to be utilized after coastal storms and other severe weather and natural disaster events when food and water access is disrupted. The plan would include a description of how OEM will provide access to food and water, how it will relay information to the public about how to access food and water, and how it will assess the City's food and water needs, as well as coordinate disaster feeding. The bill would also require the City to identify the city personnel responsible for implementing the plan, the criteria for how food and water distribution points are selected, and how the public will be informed of those points. The plan also would include a mechanism to provide recipients of food benefits continuous access to the benefits and provide that these benefits can be accessed locally. Further, the plan would also require the City to identify contracts that can be activated for food and water providers and to assess transportation routes that take into account emergency closures. Finally, the bill would require the City to communicate with the public in languages commonly spoken in the affected communities and to consult community based organizations in the development of the plan.

Section two of Int. 1069-A would provide that the local law would take effect immediately.

**IX. ANALYSIS OF INT. NO. 1070-A**

Section one of Int. No. 1070-A would amend chapter one of title thirty of the Administrative Code of the City of New York to add a new section 30-105. New section 30-105 would require the City to develop a sheltering plan by December 1, 2013 that anticipates short, medium, and long term stays in shelters that are utilized during coastal storms and other severe weather and natural disaster events. The plan would include a description of and the number of evacuation centers and shelters, how persons are transferred from an evacuation center to a shelter, and a mechanism to identify locations to be used as shelters. It would also include a description of shelter staffing and management, how staff will be identified to those in the shelters, and coordination at shift changes. The bill would also require the City to plan to provide adequate food and water at every shelter, including food options other than shelf stable items and meals ready to eat at shelters that will be open for longer term stays. OEM would be required to reassess the emergency shelter stockpile annually, before and after the activation of the plan, and plan for shower and laundry facilities for those staying in shelter for longer than three days. The bill would also require the creation of a mechanism to track the daily census at the shelters including how many individuals have special medical needs, the number of people who enter and exit each day, and to the extent practicable, a general description of where they exit to. In addition, the plan would include a mechanism to track the medical needs to persons at the shelters who request assistance, including needed medications. It would also include a mechanism to advise shelter residents who are receiving public assistance benefits how to avoid having benefits disrupted, as well as a mechanism to provide that all shelters are made usable to persons with disabilities, to identify facilities in the shelter system that are accessible to persons with disabilities, and a description of how people, including those with disabilities, are assigned to shelter facilities. Finally the bill would require consultation with community based organizations and service providers with relevant expertise in developing the plan.

Section two of Int. 1070-A would provide that the local law would take effect immediately.

**X. ANALYSIS OF INT. NO. 1072-A**

Section one of Int. 1072-A would amend Chapter 1 of title 30 of the Administrative Code of the City of New York by adding a new section 30-107. New section 30-107 would require the Commissioner of OEM, in consultation with the Department of Small Business Services, to develop and implement, no later than December 1, 2013, an emergency recovery plan for small businesses and non-profits impacted by coastal storms and other severe weather and natural disaster events. In developing of the plan, the Department of Small Business Services would be required to consult with small businesses and non-profits, as well as other city agencies, chambers of commerce, or other private organizations with relevant expertise to identify critical resources that would be necessary to ensure the continued functioning of such businesses during and after the occurrence of such events.

The plan would also include at a minimum five features described therein: a mechanism to conduct a business impact analysis for major categories of small businesses and non-profits to determine disruptions and potential disruptions unique

to each category, and the implementation of measures to mitigate such disruptions and support small business recovery; the establishment of a voluntary database of small businesses and non-profits, as well as a plan to encourage small businesses and non-profits to register with the database, to facilitate the communication of alerts related to such events and information about recovery assistance; a survey of business owners and non-profit organizations after the occurrence of such events to assess the condition of small businesses and non-profits and identify the resources needed for recovery; strategies to inform small businesses and non-profit organizations about how to obtain such resources before, during, and after such events; and coordination with non-profit organizations that are able to assist small business owners and non-profit organizations with loan and grant applications, and other business counseling and recovery services.

The legislation would also require that, to the extent practicable, public communications with small businesses and non-profit organizations as set forth in this new section be available in the most commonly spoken languages of affected communities.

Section 2 of Int. 1072-A would provide that this local law would take effect immediately.

#### XI. ANALYSIS OF INT. NO. 1075-A

Section one of Int. No. 1075-A would amend chapter one of title thirty of the Administrative Code of the City of New York to add a new section 30-112. The new section would require the OEM Commissioner to provide the City Council with any plan prepared by the OEM for the purpose of responding to coastal storms and other severe weather and natural disaster events, including but not limited to any plan created in accordance with sections 30-104 through 30-111 of chapter 1 of title 30 of the Administrative Code. In addition, the OEM Commissioner would be required to provide the City Council with updated versions of these plans within sixty days of plan revisions.

The legislation would also require the OEM Commissioner to assess any plan referenced in subdivision a of this section whenever such plan is activated. The assessment would be required to take into account the reports and recommendations issued by any task force or commission following an activation of the plan. Additionally, the OEM commissioner would be required to report any plan changes to the Council no later than sixty days after the assessment is completed. Finally, the OEM commissioner would be required to assess all plans covered by the legislation at least once every two years, whether or not the plan has been activated, and report any changes to the plan to the Council no later than sixty days after the assessment is completed.

Section two of Int. No. 1075-A would provide that the local law would take effect immediately.

#### XII. ANALYSIS OF INT. NO. 1076-A

Section one of Int. No. 1076-A would amend chapter 1 of title 30 of the Administrative Code of the City of New York by adding a new section 30-108. New section 30-108 would require the OEM Commissioner to develop or update a traffic management plan no later than December 1, 2013 in consultation with city and other relevant government entities. The traffic management plan would be used during and after coastal storms and other severe weather and natural disaster events where such events severely impact automotive, subway, and/or commuter train transportation in the city of New York.

The traffic management plan would include but not be limited to the following features: the installation of back-up power capability, including but not limited to the consideration of the effectiveness of installing solar power and other alternative energy sources with respect to street lights and traffic control signals to keep the roadway network functioning to the maximum possible extent during power outages; alternative transportation options provided by governmental and/or private entities to be used in the event of subway service and/or major roadway shutdowns, including but not limited to expanded bus and ferry service; alternative bus routing, including but not limited to criteria for the closing of streets to all traffic except buses; the expanded use of vehicles licensed by the taxi and limousine commission; some accessible transportation options for persons with special needs; closing or partially closing certain streets or designating that one or more lanes of traffic on such streets are closed to traffic except for emergency vehicles and/or vehicles driven by certain individuals involved in rescue, recovery and clean-up operations; where appropriate, recommending to the appropriate state transportation authorities the elimination or reduction of fares on buses, subways and ferries; and a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities.

Section two of Int. No. 1076-A would provide that the local law would take effect immediately.

#### XIII. ANALYSIS OF INT. NO. 1077-A

Section one of Int. No. 1077-A would amend chapter 1 of title 30 of the Administrative Code of the City of New York by adding a new section 30-109. Section 30-109 would require the OEM Commissioner to develop or update, no later than December 1, 2013, a fuel management plan in consultation with other city agencies and other relevant governmental entities, to be utilized during and after coastal storms and other severe weather and natural disaster events where such events may disrupt or have disrupted the fuel supply in the City of New York.

The new section would require that such plan include, but not be limited to, the following features: the procedures and criteria for determining when a fuel shortage exists and for rationing of fuel in the event of a fuel shortage in the City of New York; the criteria for determining the amount of fuel reserves in the City of New York that should be maintained and for what priority purposes; the establishment and maintenance of lines of communication between the city and the industries that provide fuel to the City of New York; the prioritization of fuel access for persons involved in rescue, recovery and clean-up operations, including but not limited to emergency services and critical health, public safety and sanitation personnel; <sup>1</sup>a process for assessing transportation routes to maximize the delivery of fuel within the City of New York; and a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities.

Section two of Int. No. 1077-A would provide that the local law would take effect immediately.

<sup>1</sup> See Posting of Willie Drye to National Geographic Newswatch, *A Timeline of Hurricane Sandy's Path of Destruction*, Nov. 2, 2012, available at:

<http://newswatch.nationalgeographic.com/2012/11/02/a-timeline-of-hurricane-sandys-path-of-destruction/>; see also Hurricane Sandy Advisory Archive, NOAA National Hurricane Center, available at: <http://www.nhc.noaa.gov/archive/2012/SANDY.shtml>.

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

<sup>3</sup> Hurricane Sandy Advisory Archive, NOAA National Hurricane Center, available at: <http://www.nhc.noaa.gov/archive/2012/SANDY.shtml>.

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

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

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

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

<sup>8</sup> Hurricane Sandy After Action Plan. May 2013. Report and Recommendations to Mayor Michael R. Bloomberg.

<sup>9</sup> Testimony of Caswell F. Holloway, Deputy Mayor for Operations, City of New York, before the City Council Committee on Public Safety, June 20, 2013.

<sup>10</sup> *Id.*

<sup>11</sup> Because the Council does not intend to limit the scope of the plan's prioritization of fuel access, the plan could include prioritization of fuel access for other critical personnel, including, for example, electric, gas, steam, and telecommunications personnel.

#### (The following is the text of the Fiscal Impact Statement for Int. No. 1053-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1053-A  
COMMITTEE: Committee on Public Safety

TITLE: A local law to amend the administrative code of the city of New York, in relation to special medical needs shelters operated during and after certain emergency events.

SPONSOR(S): Council Members Arroyo, Lappin, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Richards, Rose, Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm and Ulrich

SUMMARY OF LEGISLATION: This bill would require OEM to develop a plan by December 1, 2013, for tracking the location and medical needs of those entering and exiting special medical needs shelters. OEM would be required to distribute bracelets or another type of wearable device to those entering special medical needs shelter, which would list essential information such as emergency contacts, medical conditions, and needed medications. In order to help loved ones locate relatives, OEM would be required to develop a process whereby those at the shelters can be connected to family members and guardians. In developing this plan, OEM would have to consult community groups and service providers with relevant expertise.

EFFECTIVE DATE: This local law would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: Implementation of this legislation will be funded from existing agency resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Council Finance Division

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1053. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, proposed Intro. 1053-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

*the medical needs of such person, or an identification number or other identifier that will enable the shelter operator to locate such information;*

*c. a mechanism to track the medical needs of any person using a special medical needs shelter if such mechanism has not been provided by the state and to the extent information regarding such medical needs is available, including but not limited to needed medications;*

*d. a mechanism for enabling persons who use special medical needs shelters and who do not object to disclosure of their location to be contacted by their family members and guardians, including the establishment of a designated point of contact for such information and a description of how such mechanism will be publicized; and*

*e. a mechanism for consulting community based organizations and service providers with relevant expertise, including but not limited to those representing the interests of individuals with special medical needs, in regard to the development of such plan.*

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1054-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a community recovery plan to respond to certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1914), respectfully

#### REPORTS:

**(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)**

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

Intro 1053-A

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

**(The following is the text of Int. No. 1053-A:)**

Int. No. 1053-A

By Council Members Arroyo, Lappin, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Richards, Rose, Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Van Bramer, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to special medical needs shelters operated during and after certain emergency events.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-110 to read as follows:

*§ 30-110 Special medical needs shelters. The commissioner, in consultation with relevant federal, state and local agencies, shall develop or update a plan no later than December first, two thousand thirteen for the tracking of persons in special medical needs shelters established as a result of coastal storms and other severe weather and natural disaster events. Such plan shall include but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:*

*a. a mechanism to adequately track persons who enter or exit a special medical needs shelter;*

*b. a mechanism for the dissemination of bracelets or other wearable identification devices to be used on a voluntary basis by any person entering a special medical needs shelter if such device has not been provided by the state, which shall include to the extent permitted by state and federal law such person's name, address, emergency contact information, and information provided regarding*

(The following is the text of the Fiscal Impact Statement for Int. No. 1054-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1054-A  
COMMITTEE: Committee on Public Safety

TITLE: A local law to amend the administrative code of the city of New York, in relation to a community recovery plan to respond to certain emergency events.

SPONSOR(S): Council Members Comrie, Barron, Brewer, Cabrera, Chin, Dickens, Eugene, James, King, Koo, Koslowitz, Lander, Mendez, Palma, Richards, Rose, Vallone, Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Halloran and Ulrich

SUMMARY OF LEGISLATION: Proposed Intro. 1054-A would amend the administrative code to require the Commissioner of Office of Emergency Management (OEM) to develop or update by December 1, 2013, a community recovery plan to be utilized before, during, and after coastal storms and other severe weather and natural disaster events. Such a plan would include, at a minimum, the following: (1) the establishment of community recovery directors and deputy recovery directors who are to be present in the area(s) impacted by the emergency event; (2) a description of ways to create a more unified and rapid recovery assistance operation, including ways to leverage community based organizations, service providers, and volunteers and how best to utilize federal and state resources in an expedited manner; (3) the establishment of field recovery offices in or near affected communities as soon as possible after an emergency event takes place. This would also include a description of how the administrative and functional items needed in these offices will be established and an information dissemination strategy that identifies and utilizes major hubs and distribution centers to share information about services available. The plan would also require that all public communications be available in the most commonly spoken language of affected communities.

EFFECTIVE DATE: Proposed Intro. No. 1054-A would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The implementation of this legislation will be funded from within existing agency resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Council Finance Division

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst

Intro 1054-A

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ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1054. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1054-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Intro 1054-A

Page 2

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1054-A:)

Int. No. 1054-A

By Council Members Comrie, Barron, Brewer, Cabrera, Chin, Dickens, Eugene, James, King, Koo, Koslowitz, Lander, Mendez, Palma, Richards, Rose, Vallone, Jr., Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Van Bramer, Williams, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a community recovery plan to respond to certain emergency events.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-106 to read as follows:

§ 30-106 *Community recovery plan.* The commissioner shall develop or update, no later than December first, two thousand thirteen, a community recovery plan to be utilized before, during and after coastal storms and other severe weather and natural disaster events. Such plan shall specify steps that the office, along with relevant agencies and other partners, shall take in preparation for, during and immediately after such events. Such plan shall include, but not be limited to, the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency event:

a. the establishment of community recovery directors and deputy recovery directors or other such similar positions for each of the five boroughs, where appropriate for the geographic impact of the emergency event, including:

(1) the criteria for how such directors, deputies or other such similar positions are chosen; and

(2) a description of the basic duties and responsibilities of such directors, deputies or other such similar positions including, but not limited to: the timing of deployment in the field following such events; how such director and deputies or other such similar positions will be responsible to act as the main points of contact for providing general services and fulfilling the most critical needs of individuals in impacted areas; how such director, deputies or other such similar positions will work with federal and state representatives to assist impacted individuals with access to emergency disaster benefits; and how such director, deputies or other such similar positions will work with community based organizations, service providers and volunteers in recovery assistance operations;

b. a description of ways to leverage the participation of community based organizations, service providers, and volunteers with the goal of commencing a unified recovery assistance operation as rapidly as possible;

c. a description of ways to leverage federal and state resources in an expedited manner to provide that resources from all levels of government become available as soon as practicable after such events take place;

d. the creation of a uniform information sharing and distribution plan to be used by each community recovery director to properly inform residents, elected officials and the press about the services available through the community recovery director and his or her team on the ground, and ways to contact community recovery personnel;

e. the establishment of field recovery offices in or near affected communities as soon as practicable after such events take place;

f. a description of how the administrative and functional items necessary for immediate and successful operation of field recovery offices will be established; and

g. an information dissemination strategy that identifies and utilizes major hubs and distribution centers, including partnering with non-city distribution sites, to share information about services available to clients, elected officials, and press, and that requires that to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities.

§2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1065-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of**

New York, in relation to the creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after certain emergency events.

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1946), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1065-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1065-A  
COMMITTEE: Committee on Public Safety

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to the creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after certain emergency events.

**SPONSOR(S):** Council Members Koppell, Gonzalez, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, James, Koo, Lander, Mendez, Palma, Richards, Nelson, Jackson, Levin, Gennaro, Gentile, Greenfield, Dromm, Halloran and Ulrich

**SUMMARY OF LEGISLATION:** This bill would require the Office of emergency Management (OEM) to develop an outreach and recovery plan by December 1, 2013 to assist vulnerable and homebound individuals before, during and after coastal storms and other severe weather and natural disasters. That plan must detail how the Office will work with relevant agencies, community based organizations, and service providers to provide information and assistance to this population. OEM will have to develop a system for utilizing existing lists of vulnerable and homebound individuals, including those maintained by non-profits, service providers, and relevant agencies including Human Resources Administration, Department of Health and Mental Health Services, Department for the Aging, and the NYC Housing Authority as well as the Advance Warning System list. OEM would also provide guidance to those who would like to be included in one of the lists used by the Office on how to do so. OEM would be required to create a door-to-door task force to develop a strategy for locating vulnerable and homebound people in need of assistance. In developing this plan, OEM would be required to consult community groups and service providers with relevant expertise, and all public communications would be made available in the most commonly spoken languages of the affected community.

**EFFECTIVE DATE:** Proposed Intro. No. 1065-A would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** N/A

**IMPACT ON EXPENDITURES:** Implementation of the provisions of this legislation will be funded from within existing agency resources.

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

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

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1065. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, proposed Intro. 1065-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1065-A:)

Int. No. 1065-A

By Council Members Koppell, Gonzalez, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, James, Koo, Lander, Mendez, Palma, Richards, Nelson, Jackson, Levin, Gennaro, Gentile, Greenfield, Dromm, Van Bramer, Lappin, Williams, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after certain emergency events.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-111 to read as follows:

§ 30-111 Plan for outreach and recovery to vulnerable and homebound individuals. The commissioner, in consultation with relevant federal, state and local agencies, shall develop or update, no later than December first, two thousand thirteen, an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after coastal storms and other severe weather and natural disaster events. Such plan shall include but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:

a. a description of how the office will identify, conduct outreach to, communicate with, and otherwise assist vulnerable and homebound individuals before, during and after the impact of such events;

b. the development of a mechanism for utilizing lists of homebound and vulnerable individuals, to the extent consistent with applicable confidentiality requirements, which shall include: (1) the use of existing lists of such individuals maintained by community based organizations, service providers and relevant agencies, including but not limited to the department for the aging, the department of health and mental hygiene, the department of social services/human resources administration, and the New York city housing authority; (2) the office's Advance Warning System or successor system; and (3) a process whereby vulnerable and homebound individuals receive information about how to request that they be included in such existing lists or system;

c. a description of how the office will coordinate with relevant agencies, community based organizations and service providers to assist such individuals before, during and after the impact of such events;

d. the creation of a Door-to-Door Task Force that will be responsible for developing and implementing a strategy to locate and assist vulnerable and homebound individuals, provide such individuals with information, and assist with any recovery efforts that take place after such events, including the delivery of necessary supplies and services;

e. a description of how information, supplies, services, and transportation will be made available to such individuals to facilitate the relocation of such individuals if necessary;

f. a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities; and

g. a mechanism for consulting community based organizations and service providers with relevant expertise, including but not limited to those representing the interests of homebound and vulnerable individuals, in regard to the development of such plan.

§2. This local law shall take effect take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1069-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a food and water access plan in response to certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1954), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1069-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1069-A  
COMMITTEE: Committee on Public Safety

TITLE: A local law to amend the administrative code of the city of New York, in relation to a food and water access plan in response to certain emergency events.

SPONSOR(S): Council Members Oddo, Arroyo, Brewer, Cabrera, Chin, Comrie, Fidler, James, Koo, Lander, Nelson, Palma, Richards, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Halloran, and Ulrich

SUMMARY OF LEGISLATION: The bill would require the Office of Emergency Management to develop a plan to provide the public with food and water after coastal storms and other severe weather and natural disaster events when access to food and water or the ability to purchase, prepare or consume food or water is impacted. This bill would require that the City include in the plan a description of how it will provide access to food and water, how it will relay information to the public about how to access food and water, and how it will assess the City's food and water needs. The bill would also require the City to identify the city personnel responsible for implementing the plan, the criteria for how food and water distribution points are selected, and how the public will be informed of those points. The plan also would include a mechanism to provide recipients of food benefits continuous access to the benefits and provide that these benefits can be accessed locally. It would also require the City to identify contracts that can be activated for food and water providers and to assess transportation routes that take into account emergency closures. Finally, the bill would require the City to communicate with the public in languages commonly spoken in the affected communities and to consult community based organizations in the development of the plan.

EFFECTIVE DATE: Proposed Intro. No. 1069-A would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The implementation of the provisions of this legislation will be funded from within existing agency resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS:

SOURCE OF INFORMATION:

ESTIMATE PREPARED BY: Lionel Francois, Legislative Finance Analyst

Intro 1069-A

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ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1069. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, proposed Intro. 1069-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1069-A:)

Int. No. 1069-A

By Council Members Oddo, Arroyo, Brewer, Cabrera, Chin, Comrie, Fidler, James, Koo, Lander, Nelson, Palma, Richards, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Dickens, Eugene, Lappin, Williams, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a food and water access plan in response to certain emergency events.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-104 to read as follows:

§ 30-104 *Food and water access plan. In consultation with appropriate federal, state, and city government agencies, the commissioner shall develop or update, no later than December first, two thousand thirteen, a food and water access plan to be utilized after coastal storms and other severe weather and natural disaster events where such events may disrupt access to food and water or may impact the ability to purchase, prepare or consume food or water. Such plan shall include, but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:*

*a. a description of how the city will provide access to food and water, including but not limited to how and to what extent the city will disseminate information to the public about the availability of food and water services; manage requests for support from emergency, not-for-profit entities that provide food and water; arrange for or coordinate disaster feeding; coordinate the efforts of food benefits programs, food donations, food business and emergency food providers; and work to restore the public, private and non-profit sectors' ability to provide access to food and water;*

*b. a mechanism to assess the city's food and water needs prior to and after such conditions and incidents arise;*

*c. a description of how the city personnel responsible for implementing such plan will be identified, including how a clear hierarchy and points of contact of such personnel will be established;*

*d. criteria for how food and water distribution points are identified and how such distribution points will be publicized to ensure that the public is aware of the locations of such distribution points;*

*e. a mechanism to provide that recipients of food benefits have continued access to such benefits during and immediately after such events and that affected communities experiencing transportation disruptions can access emergency food benefits locally;*

*f. identification of contracts, if any, that can be activated during and immediately after such events for vendors that can provide and distribute food and water, including but not limited to, hot food providers, trucks and drivers;*

*g. criteria for assessing transportation routes that allow for the distribution of food and water that accounts for emergency road and bridge closures;*

*h. a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities; and*

*i. a mechanism to consult community based organizations and service providers with relevant expertise in regard to the development of such plan.*

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

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

Report for Int. No. 1070-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a sheltering plan in response to certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1956), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

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

(The following is the text of the Fiscal Impact Statement for Int. No. 1070-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1070-A  
COMMITTEE: Committee on Public Safety

TITLE: A local law to amend the administrative code of the city of New York, in relation to a sheltering plan in response to certain emergency events.

SPONSOR(S): Council Members Palma, Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, James, Lander, Mendez, Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, and Ulrich

SUMMARY OF LEGISLATION: This bill would require the Office of Emergency Management to develop a plan by December 1, 2013, that anticipates people remaining in emergency shelters for short, medium or long term time periods after coastal storms and other severe weather and natural disaster events. This bill would require the City's shelter plan to include a description of and the number of evacuation centers and shelters, how persons are transferred from an evacuation center to a shelter, and a mechanism to identify locations to be used as shelters. It would also include a description of shelter staffing and management, how staff will be identified to those in the shelters, and coordination at shift changes. The bill would also require the City to plan to provide adequate food and water at every shelter, including food options other than shelf stable items and meals ready to eat at shelters that will be open for longer term stays. Office of Emergency Management (OEM) would be required to reassess the emergency shelter stockpile annually, before and after the activation of the plan, and plan for shower and laundry facilities for those staying in shelter for longer than three days.

In addition, this bill would require the creation of a mechanism to track the daily census at the shelters including how many individuals have special medical needs, the number of people who enter and exit each day, where they exit to, and the persons who request assistance with medical needs. Likewise, it would include: (1) a mechanism to advise shelter residents who are receiving public assistance benefits how to avoid having benefits disrupted; (2) a mechanism to ensure that all shelters are made usable to persons with disabilities; (3) identify facilities in the shelter system that are accessible to persons with disabilities and (4) a description of how people, including those with disabilities, are assigned to shelter facilities. Finally the bill would require consultation with community based organizations and service providers with relevant expertise in developing the plan.

EFFECTIVE DATE: This local law would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: N/A

Intro 1070-A

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**IMPACT ON EXPENDITURES:** The implementation of the provisions of this legislation will be funded from within existing agency resources.

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

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

**ESTIMATE PREPARED BY:** Lionel Francois, Legislative Finance Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1070. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1070-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Intro 1070-A

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Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1070-A:)

Int. No. 1070-A

By Council Members Palma, Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, James, Lander, Mendez, Nelson, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Van Bramer, Dickens, Eugene, Lappin, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a sheltering plan in response to certain emergency events.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-105 to read as follows:

§ 30-105 *Sheltering plan.* The commissioner, in consultation with relevant federal, state and local agencies, shall develop or update a sheltering plan no later than December first, two thousand thirteen, that anticipates the operation of shelters for short, medium or long-term periods of time as a result of coastal storms and other severe weather and natural disaster events. Such plan shall include, but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:

a. a description of the types of evacuation centers and shelters, number and location of evacuation centers, how persons are transferred from an evacuation center to a shelter, and a mechanism to identify locations to be used as shelters, including shelters that are adequate for habitability for long-term stays;

b. a description of shelter staffing and management, including but not limited to an explanation of how key shelter staff positions such as shelter managers and clinical staff will be determined and how shelters will be adequately staffed with trained medical personnel to the extent necessary for each such shelter's needs;

c. a mechanism for clearly identifying to residents, volunteers and other staff at each shelter the individuals filling key staff positions at such shelter;

d. a mechanism to provide that to the extent practicable any shelter manager coordinates with a shelter manager on the immediately following shift at such shelter regarding requests for supplies, shelter conditions and other significant issues at such shelter;

e. a mechanism to provide that there is adequate food and water at every shelter and that food options other than shelf stable items and meals ready to eat are available at any such shelter that is to be used for long term stays;

f. a reassessment of the emergency shelter supply stockpile at least annually, as well as immediately before and after such plan is activated, to determine whether appropriate supplies are available and adequate;

g. to the extent practicable, a plan for shower and laundry facilities for persons who remain in shelters after three days;

h. a mechanism for tracking the daily census at each shelter, including the number of persons with special medical needs, the number of persons who enter and exit each day, and to the extent practicable, a general description of the locations to which such persons exited;

i. a mechanism to track the medical needs of persons at shelters who request assistance in meeting such needs, including but not limited to needed medications and placement in the proper type of shelter;

j. a mechanism to advise persons who receive federal, state or city public assistance benefits of how to avoid disruption of such benefits due to an inability to meet program requirements as a result of their stay in such shelter;

k. a mechanism to provide that all shelters are made usable to persons with disabilities to the extent practicable and to identify facilities in the shelter system that are accessible to persons with disabilities;

l. a description of how persons, including those with disabilities, are assigned to shelter facilities; and

m. a mechanism to consult community based organizations and service providers with relevant expertise in regard to the development of such plan.

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1072-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a small business and non-profit organization recovery plan in response to emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1959), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1072-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1072-A  
COMMITTEE: Committee on Public Safety

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to a small business and non-profit organization recovery plan in response to emergency events.

**SPONSOR(S):** Council Members Reyna, Barron, Brewer, Cabrera, Chin, Comrie, James, King, Koo, Lander, Mendez, Palma, Vallone, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm and Ulrich

**SUMMARY OF LEGISLATION:** This bill would require the Office of Emergency Management (OEM) to work with the Department of Small Business Services (SBS) to develop or update a disaster recovery plan for small businesses and non-profit organizations by December 1, 2013. To develop this plan, SBS would be required to work with other entities, including small business owners and non-profit organizations throughout New York City to identify the critical resources necessary for their continued operation during and after coastal storms, severe weather and other natural disasters. The bill would require that the plan incorporate, at minimum, five features: 1) a mechanism for identifying and mitigating potential disruptions to small businesses and non-profit organizations in advance of such an event; 2) the establishment and promotion of a voluntary database of small businesses and non-profit organizations to enable SBS to provide alerts relevant to disaster preparedness and recovery; 3) a post-disaster survey of small businesses and non-profit organizations to ascertain the number of businesses and non-profits impacted by the disaster and the extent of the impact; 4) strategies for informing small businesses and non-profit organizations about how to obtain disaster recovery resources; and 5) coordination with non-profits capable of assisting small business owners with loan and grant applications, and business counseling services to facilitate and expedite recovery. The bill would also require that public communications with small businesses and non-profits disseminated under the plan be available in the most common languages spoken in the affected communities.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** N/A

**IMPACT ON EXPENDITURES:** The provisions of this legislation will be implemented using existing agency resources.

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

Intro 1072-A

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

**ESTIMATE PREPARED BY:** Lionel Francois, Legislative Finance Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1072. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1072-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Intro 1072-A

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Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1072-A:)

Int. No. 1072-A

By Council Members Reyna, Barron, Brewer, Cabrera, Chin, Comrie, James, King, Koo, Lander, Mendez, Palma, Vallone, Jr., Levin, Gennaro, Gentile, Gonzalez,

Greenfield, Dromm, Van Bramer, Dickens, Eugene, Lappin, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a small business and non-profit organization recovery plan in response to emergency events.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-107 to read as follows:

§ 30-107 *Small business and non-profit organization recovery plan.* a. (1) *The commissioner, in consultation with the commissioner of small business services and other government or private organizations having expertise in non-profit organization and insurance matters, shall develop or update no later than December first, two thousand thirteen, a small business and non-profit organization recovery plan to be utilized after coastal storms and other severe weather and natural disaster events.*

(2) *In developing such plan, the department of small business services shall, in consultation with other city agencies, chambers of commerce, or other private organizations having expertise in such matters, work with small business owners and non-profit organizations throughout New York city to identify critical resources necessary for the continued functioning of such small businesses and non-profit organizations during and after such events.*

(3) *The plan developed or updated in accordance with this section shall include but need not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency: (i) an evaluation of the potential impact of disruptions on small businesses and non-profit organizations as a result of such events, including a mechanism to conduct an impact analysis for major categories of small businesses and non-profit organizations, as determined by the commissioner of small business services, in order to identify disruptions unique to each such category, and the implementation of measures to prevent or mitigate such disruptions and to support recovery of the small business and non-profit sectors; (ii) the establishment of a voluntary database of small businesses and non-profit organizations, including but not limited to utilizing any existing database of small businesses and non-profit organizations maintained by the department of small business services, to provide that such businesses and organizations receive alerts regarding such events, recovery assistance, and other relevant information and to conduct outreach with such small businesses and non-profit organizations to encourage their registration in such database; (iii) conducting a survey of small business owners and non-profit organizations after such events to identify resources necessary for recovery, which shall include but not be limited to an assessment of small businesses such as whether a business is open, closed or partially in operation, damage to business facilities, lost revenues, the number of employees affected and whether there is a plan for employees to return to such business if such employees are unable to work, whether additional workers are needed or hired to assist with recovery efforts, a description of the type of assistance necessary for recovery, the type and amount of insurance that such business has, and whether such business has filed insurance claims and the status of such claims; (iv) strategies to inform such small businesses and non-profit organizations about how to obtain such resources before, during and after such events; and (v) coordination with non-profit organizations that are capable of assisting small business owners with loan and grant applications, and business counseling services to facilitate and expedite recovery.*

*b. To the extent practicable, all public communications, written or otherwise, with small businesses and non-profit organizations as set forth in this section, shall be available in the most commonly spoken languages of affected communities.*

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1075-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to review or update plans for responding to certain emergency events and to report to the council thereon.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1962), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1075-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
 FISCAL IMPACT STATEMENT  
 PROPOSED INTRO. NO: 1075-A  
 COMMITTEE: Committee on Public Safety

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to review or update plans for responding to certain emergency events and to report to the council thereon.

**SPONSOR(S):** Council Members Rodriguez, Gentile, Cabrera, Chin, Comrie, James, Koppell, Lander, Mendez, Palma, Richards, Vallone, Nelson, Levin, Gennaro, Greenfield, Dromm and Ulrich

**SUMMARY OF LEGISLATION:** This Proposed Introduction would require the Commissioner of OEM to provide the Council with any plans prepared for the purpose of responding to coastal storms and other severe weather and natural disaster events, which includes all plans created as a result of the proposed package of legislation the Council is considering with this bill (Proposed Int. Nos. 1053-A, 1054-A, 1065-A, 1069-A, 1070-A, 1072-A, 1076-A, and 1077-A).

In addition, Proposed Introduction 1075-A would require the Commissioner of OEM to assess all of the aforementioned plans anytime such a plan is activated, report to the Council any subsequent changes to the plan(s), and provide the Council with the updated plan(s) no later than 60 days after the assessment is completed. Furthermore, Intro. 1075-A would require the Commissioner to assess all of the aforementioned plans at least once every two years, regardless of whether or not the plan has been activated, and report to the Council any subsequent changes to the plan(s), and provide the Council with the updated plan(s) no later than 60 days after the biannual assessment is completed.

This legislation does not require the Commissioner to disclose any portions of the plans, or report any changes that could compromise the safety of the public.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** N/A

**IMPACT ON EXPENDITURES:** The provisions of this legislation will be implemented using existing agency resources.

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

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

**ESTIMATE PREPARED BY:** Lionel Francois, Legislative Finance Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
 Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1075. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1075-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1075-A:)

Int. No. 1075-A

By Council Members Rodriguez, Gentile, Cabrera, Chin, Comrie, James, Koppell, Lander, Mendez, Palma, Richards, Vallone, Jr., Nelson, Levin, Gennaro, Greenfield, Dromm, Van Bramer, Dickens, Eugene, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to review or update plans for responding to certain emergency events and to report to the council thereon.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-112 to read as follows:

§ 30-112 *Emergency management plan reporting and review.* a. The commissioner shall provide to the city council a copy of any plan prepared by the New York city office of emergency management for the purpose of responding to coastal storms and other severe weather and natural disaster events, including but not limited to any plans created or updated in accordance with sections 30-104 through 30-111 of this chapter. The commissioner shall also provide the city council with updated versions of such plans within sixty days of plan revisions.

b. The commissioner shall assess any plan referenced in subdivision a of this section whenever such plan is activated. Such assessment shall consider the reports and recommendations issued by any task force or commission following such activation. The commissioner shall report to the city council any subsequent changes to such plan and provide a copy of such updated plan to the city council, no later than sixty days after such assessment is completed. The commissioner shall also assess any such plan at least once every two years, whether or not such plan has been activated, and shall report to the city council any subsequent changes to such plan and provide a copy of such updated plan to the city council no later than sixty days after such assessment is completed.

c. Notwithstanding the provisions of this section, the commissioner shall not be required to disclose to the council portions of plans or to report changes made to plans where disclosure of such information could compromise the safety of the public.

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1076-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a traffic management plan in response to certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1963), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1076-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1076-A  
COMMITTEE: Committee on Public Safety

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to a traffic management plan in response to certain emergency events.

**SPONSOR(S):** Council Members Rose, Vacca, Brewer, Chin, Comrie, James, Koo, Lander, Mendez, Richards, Vallone, Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm and Ulrich

**SUMMARY OF LEGISLATION:** This bill would require the Office of Emergency Management (OEM) to develop or update by December 1, 2013, a traffic management plan to be used during weather or natural disaster events when the city's transportation network is severely impacted.

The plan would include but not be limited to: (1) the installation of back-up power for street lights and traffic control signals, in the event of power outages, including consideration of using solar power or other energy sources; (2) expanded bus and ferry service; (3) alternative bus routing, including criteria for the closure of streets to all vehicles except buses; (4) the expanded use of Taxi and Limousine Commission licensed vehicles; (5) transportation options for those with special needs; (6) closing or partly closing certain streets for the use of emergency vehicles; (7) possible reduction of bus, subway and ferry fares; and (8) a mechanism for providing that, to the extent practicable, all communications to the public be in the most commonly spoken languages of affected communities.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** N/A

**IMPACT ON EXPENDITURES:** The provisions of this legislation will be implemented using existing agency resources.

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

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

**ESTIMATE PREPARED BY:** Lionel Francois, Legislative Finance Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1076. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1076-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1076-A:)

Int. No. 1076-A

By Council Members Rose, Vacca, Brewer, Chin, Comrie, James, Koo, Lander, Mendez, Richards, Vallone, Jr., Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Palma, Van Bramer, Jackson, Dickens, Eugene, Lappin, Nelson, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a traffic management plan in response to certain emergency events.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-108 to read as follows:

§ 30-108 *Traffic management plan.* The commissioner shall develop or update, no later than December first, two thousand thirteen, a traffic management plan in consultation with other city agencies and relevant governmental entities, to be utilized during and after coastal storms and other severe weather and natural disaster events where such events severely impact automotive, subway, and/or commuter train transportation in the city of New York. Such plan shall include but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:

- a. the installation of back-up power capability, including but not limited to the consideration of the effectiveness of installing solar power and other alternative energy sources with respect to street lights and traffic control signals to keep the roadway network functioning to the maximum possible extent during power outages;
- b. alternative transportation options provided by governmental and/or private entities to be used in the event of subway service and/or major roadway shutdowns, including but not limited to expanded bus and ferry service;
- c. alternative bus routing, including but not limited to criteria for the closing of streets to all traffic except buses;
- d. the expanded use of vehicles licensed by the taxi and limousine commission;
- e. some accessible transportation options for persons with special needs;
- f. closing or partially closing certain streets or designating that one or more lanes of traffic on such streets are closed to traffic except for emergency vehicles

and/or vehicles driven by certain individuals involved in rescue, recovery and clean-up operations;

- g. where appropriate, recommending to the appropriate state transportation authorities the elimination or reduction of fares on buses, subways and ferries; and
- h. a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities.

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 1077-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a fuel management plan in response to certain emergency events.**

The Committee on Public Safety, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1967), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Public Safety for Int No. 1053-A Report printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1077-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
 FISCAL IMPACT STATEMENT  
 PROPOSED INTRO. NO: 1077-A  
 COMMITTEE: Committee on Public Safety

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to a fuel management plan in response to certain emergency events.

**SUMMARY OF LEGISLATION:** This bill would require the Office of Emergency Management (OEM) to develop or update by December 1, 2013, a fuel management plan to be used during weather or natural disaster events when the city's fuel supply may be or has been disrupted.

The plan would include but not be limited to: (1) a criteria for determining what constitutes a fuel shortage and the procedures for rationing of fuel in the event of such a shortage; (2) criteria for how much fuel reserve should be maintained by the city and for what purposes; (3) ensuring lines of communication between city officials and the fuel industry; (4) the prioritization of fuel access for those involved in rescue, recovery and clean-up operations; (5) assessing transportation routes to maximize the delivery of fuel in the city; and (6) a mechanism for providing that all communications to the public, to the extent practicable, be in the most commonly spoken languages of the affected communities.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** N/A

**IMPACT ON EXPENDITURES:** The provisions of this legislation will be implemented using existing agency resources.

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

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

**ESTIMATE PREPARED BY:** Lionel Francois, Legislative Finance Analyst

**ESTIMATED REVIEWED BY:** Regina Poreda Ryan, Deputy Director, Finance Division  
 Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** Introduced by the Council and referred to the Committee on June 12<sup>th</sup>, 2013 as Intro. 1077. A hearing on the legislation was held on June 20<sup>th</sup>, 2013 and then subsequently laid-over by Committee. An amended version of the bill, Proposed Intro. 1077-A, will be voted on by the Committee on July 23<sup>rd</sup>, 2013 and upon a successful vote, will be submitted to the full Council for a vote on July 24<sup>th</sup>, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1077-A:)

Int. No. 1077-A

By Council Members Vacca, Brewer, Chin, Comrie, Fidler, Koo, Lander, Mendez, Vallone, Jr., Levin, Gennaro, Gentile, Gonzalez, Greenfield, Dromm, Palma, Van Bramer, Dickens, Eugene, Lappin, Nelson, Williams, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a fuel management plan in response to certain emergency events.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-109 to read as follows:

§ 30-109 Fuel management plan. The commissioner shall develop or update, no later than December first, two thousand thirteen, a fuel management plan in consultation with other city agencies and other relevant governmental entities, to be utilized during and after coastal storms and other severe weather and natural disaster events where such events may disrupt or have disrupted the fuel supply in the city of New York. Such plan shall include but not be limited to the following features, provided that nothing herein shall be construed to interfere with the ability of agencies responding to an emergency to implement plans, modify plans, or take steps not described in any written plan, in a manner appropriate to circumstances particular to that emergency:

- a. the procedures and criteria for determining when a fuel shortage exists and for rationing of fuel in the event of a fuel shortage in the city of New York;
- b. the criteria for determining the amount of fuel reserves in the city of New York that should be maintained and for what priority purposes;
- c. the establishment and maintenance of lines of communication between the city and the industries that provide fuel to the city of New York;
- d. the prioritization of fuel access for persons involved in rescue, recovery and clean-up operations, including but not limited to emergency services and critical health, public safety and sanitation personnel;
- e. a process for assessing transportation routes to maximize the delivery of fuel within the city of New York; and
- f. a mechanism to provide that, to the extent practicable, all public communications, written or otherwise, are available in the most commonly spoken languages of affected communities.

§ 2. This local law shall take effect immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIEL R. GARODNICK, ERIC A. ULRICH; Committee on Public Safety, July 23, 2013.

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

### Reports of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 888-A

#### Report of the Committee on Sanitation and Solid Waste 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 the theft of manhole covers.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 28, 2012 (Minutes, page 2601), respectfully

### REPORTS:

#### Introduction

On Tuesday, July 23, 2013, the Committee on Sanitation and Solid Waste Management (the "Committee"), chaired by Council Member Letitia James, will vote on Proposed Int. Nos. 888-A, 889-A, 893-A and 894-A, which relate to securing and strengthening the City's recycling program. The Committee held a hearing on drafts of these bills on June 29, 2012, and the bills have been amended based on that hearing and subsequent discussions with stakeholders.

#### Background

The Council has noted that curbside theft and poaching of recyclable materials – the removal of recyclable material such as cardboard, bulk metal, and plastic and metal beverage containers that are placed curbside for collection by DSNY or private carters – increases within the City of New York during times when the value of those materials on secondary markets increases. Like any other commodity, the value of these recyclable materials fluctuates depending on markets, which are based, in part, on the supply and demand of such materials.

Following a significant decline in the commodities markets for recyclable materials approximately four years ago, in the last two years the markets for recyclables have returned to or exceeded the pre-decline levels. For example, mixed paper has nearly tripled in price over the past two years, increasing from around \$40 per ton to as much as \$120 per ton.<sup>1</sup>

Approximately six years ago, when prices on the commodities markets for recyclable materials were comparable to today's high levels, curbside poaching of recyclables became more widespread. In response, the Council passed Local Law 50 of 2007, aimed at reducing the removal of those materials from the curb. In general, that law prohibited the removal with a vehicle of recyclable materials placed curbside for DSNY or private carter collection.<sup>2</sup>

#### Impacts of Poaching and Theft of Recyclables

The poaching and theft of recyclables impacts the city in several important ways. First, it deprives the City of an important revenue source. For example, the Department of Sanitation contracts for the sale of all paper and cardboard collected by DSNY and last year the City earned more than \$1.5 million for recyclable paper from one of its two primary paper contractors.<sup>3</sup> The City loses \$10 per ton in revenue for each ton of paper stolen from DSNY routes.<sup>4</sup> Sims Metal Management, the City's primary contractor for metal, glass and plastic and some of its paper, estimates that it loses some \$4 million a year from theft of recyclables. Theft of bulk metal recyclables that contain refrigerants is also increasing. Approximately 46 percent of appliances placed curbside for recycling in 2011 were removed prior to DSNY collection, up from 36 percent for the previous year, which resulted in some 11,000 missed pickups by DSNY.<sup>5</sup>

In addition to the loss of revenue, theft of recyclables also threatens the stability of the City's residential recycling program. The City has contracts with two companies for the acceptance of the recyclables DSNY collects. These recycling contracts presume that the City will provide a certain amount of each material, based on a detailed waste characterization study conducted by the City in 2004-05. As a result of theft and poaching of recyclables placed curbside, the City's contractors receive less of the high-value material than it expects to receive based on the waste characterization study.

This reduction in the amount of high-value recyclable material has two significant negative effects on the City's recycling program. First, it reduces the value of the recyclable material that goes to the City's contractors and could require us to renegotiate our contract in terms less favorable to the City. Second, it jeopardizes the City's recent expansion of its recycling program. Local Law 35 of

2010 calls on DSNY to expand the designation of recyclable plastics to include all rigid plastic containers, which DSNY implemented earlier this year. This expanded designation of plastics incorporates lower value plastic material into the recycling stream. The ability of the City's contractor to accommodate this change without altering the contract's price structures could be jeopardized without the continued receipt of the higher value materials that are currently being poached from curbside recycling.

The theft of material placed curbside by commercial buildings has also had a significant impact on the business of private carters, who collect material from the City's commercial buildings. According to the National Solid Waste Management Association, the private carting industry in New York City lost about \$10 million last year due to theft of recyclables.<sup>6</sup> For most private carters, collecting recyclables with market value enables them to generate revenue, thereby giving them greater flexibility to charge businesses and building owners less for collection costs. In addition, private carters are constrained by a rate cap established by the Business Integrity Commission ("BIC"), or a cost control mechanism, that establishes a ceiling for what private carters can charge customers for waste hauling. As a result, private carters are precluded from increasing their rates to offset the losses they experience because of the recycling theft.

Theft of recyclable material has also begun to impact infrastructure throughout the City. Last year, Con Ed reported 133 thefts of its cable and several stolen manhole covers.<sup>7</sup> In a well documented recent incident, one man was arrested for stealing more than fifteen manhole covers and selling them to two scrap yards in the city.<sup>8</sup>

#### Enforcement

Enforcement against the theft of recyclables is shared by DSNY, BIC and the Police Department. DSNY enforcement has already impounded 49 vehicles for theft of recyclables, which is up from last year when only 40 vehicles were impounded for similar crimes over 12 months.<sup>9</sup> In previous years, those numbers were in the single digits.<sup>10</sup> Some questions about enforcement have arisen, however, since BIC only has fifteen investigators covering all five boroughs in search of illegal activity.<sup>11</sup> BIC began keeping statistics on cardboard theft last year and logged 49 complaints, made 15 arrests and impounded 15 vehicles.<sup>12</sup>

#### Conclusion

The Committee finds that, as a result of the strong market for recyclable materials, curbside theft and poaching of those materials has once again increased and it appears that strengthening our laws to prevent against the poaching and theft of such recyclables is warranted.

#### Summary of Bills

##### Proposed Int. No. 888/2012-A

To amend the administrative code of the city of New York, in relation to the theft of manhole covers.

Bill section 1 would amend title ten of the Ad. Code by adding a new section 10-118.1. Subdivision (a) of this new section prohibits the removal or transportation of utility manhole covers. Subdivision (b) establishes civil penalties from \$2,500-\$10,000 for the removal or transportation of manhole covers. Subdivision (c) establishes the violation of subdivision (a) to constitute a misdemeanor and provides for criminal fines of \$500-\$10,000 or imprisonment of not more than 30 days for each violation, or both. Subdivision (d) exempts the owners of the covers and their authorized agents from the prohibition.

Bill section 2 would amend section 24-304 of the Ad. Code to make the removal of manhole covers from the water supply system illegal.

Bill section 3 would amend subdivisions (b) and (c) of section 24-346 of the Ad. Code to add a civil penalty of \$2,500-\$10,000 and a criminal penalty of \$500-\$10,000 or imprisonment for not more than 30 days, or both, for the theft of manhole covers from the water supply system.

Bill section 4 would amend subdivisions (f) and (g) of section 24-524 of the Ad. Code to impose a civil penalty of not less than \$2,500 and a criminal penalty of \$500-\$10,000 or imprisonment for no more than 30 days, or both, for the theft of manhole covers used in the sewer system.

##### Proposed Int. No. 889/2012-A

To amend the administrative code of the city of New York, in relation to the unlawful removal or acceptance of recyclable material.

Section 1 of the proposed bill sets forth the legislative findings and intent of the City Council.

Section 2 of the proposed bill would repeal subdivision 7 of section 16-118 of the administrative code. Previous section 7(a) would be reenacted in its entirety as subdivision 7. The provisions of previous section 7(b) would be included in the new chapter 4-C described below.

Section 3 of the proposed bill would repeal enforcement provisions from subdivisions 8 and 9 of section 16-118 of the administrative code that apply to subdivision 7(b) of such section. These enforcement provisions would be included in the new chapter 4-C's enforcement section described below.

Section 4 of the proposed bill would amend title 16 of the administrative code of the City of New York by adding a new chapter 4-C that would contain sections 16-460 through 16-465 as described below.

Section 16-460 would contain definitions for the terms "department-marked item," "motor vehicle," "motor vehicle operator," "motor vehicle owner" or "owner of a motor vehicle," "not-for-profit corporation," "person," "recyclable material," "refrigerant," "refrigerant-containing item," "solid waste," and "street."

Subdivision a of section 16-461 of the proposed bill would prohibit the removal and transport of recyclable materials from the City's residential curbside recycling system using a motor vehicle under a number of situations. Under paragraph 1 of this subdivision such removal and transport would be prohibited except under the terms of a written agreement as described by paragraphs 2 and 3 of the subdivision. It also states that the owner of a vehicle used to unlawfully remove and transport recyclable material under this subdivision would also be liable for the violation.

Paragraph 2 of subdivision a of section 16-461 describes the parameters for private agreements to dispose of recyclables from buildings containing four or more units that receive DSNY collection services. Under subparagraph (i) of this paragraph, owners of such building or their agents cannot enter into agreements with anyone other than DSNY except as provided for in clauses A, B, and C of the subparagraph. Clause A states that such an agreement can only be entered into if regularly scheduled DSNY recycling collection is insufficient to meet the building's needs. Clause B states that, if the terms of clause A apply, the building owner must request supplemental services from DSNY, to which DSNY has 30 days to respond. If DSNY declines to provide such supplemental service, the building is then free to enter into a private agreement for such supplemental service. Clause C states that supplemental service cannot occur on the same days as DSNY recycling pickup for that building.

Subparagraph (ii) of paragraph 2 clarifies that nothing in the section can be construed to allow buildings containing four or more units to contract for private recycling service on the day that DSNY picks up recycling from that building.

Subparagraph (iii) of paragraph 2 specifies the information that must be contained in the written agreement between a building with four or more units and a private hauler, including that it is signed and dated by the owner or agent and by or on behalf of the person responsible for the supplemental collection of recyclable material; notarized; and filed with the commissioner within five business days of being signed, and that it includes the address of the building receiving supplemental collection; the names, telephone numbers and taxpayer identification numbers, including individual or employer taxpayer identification numbers, but not social security numbers, of the person responsible for the collection of such material; the names, titles and telephone numbers of all signatories to such agreement; the terms relating to price and the days and times of collection, if any; the duration of such agreement; the estimated quantity of recyclable material to be collected on a weekly basis; and any other information required by the commissioner by rule.

Subparagraph (iv) of paragraph 2 limits any such contracts to two years duration.

Subparagraph (v) of paragraph 2 requires that any person collecting recycling under a private agreement reached pursuant to paragraph 2 of the section must be in possession of that agreement or a copy of the signed, notarized signatory page, as well as a letter from DSNY affirming that the agreement has been filed with the commissioner, at the time of removal and transport of recyclables.

Paragraph 3 requires private carters operating under contracts pursuant to paragraph two to report to the Commissioner twice yearly, in February and August, on the type and weight of recycled material they picked up during the previous six months.

Paragraph 4 describes agreements for buildings with less than 4 residential units. Subparagraph (i) states that owners of such buildings can enter into written agreements "with any person" for the removal of recycling. Subparagraph (ii) says that these agreements between the owner or agent and the private person responsible for removing recycling by vehicle would need to be in writing, signed by both parties and dated prior to the removal date, have the name and phone numbers of signees, and be in possession of the recycling transporter when material is removed from the curb.

Subdivision b of section 16-461 would apply to items containing refrigerants, including such items that have been marked by DSNY to indicate that DSNY will or already has removed the refrigerants pursuant to its program. Paragraph 1 of the subdivision would prohibit anyone but sanitation workers from removing such items that have been placed out under the residential recycling program. Paragraph 2 would create a rebuttable presumption that any person transporting a department-marked item in a motor vehicle has violated this subdivision. Paragraph 3 would establish that a written agreement between a person

removing such an item and the owner or agent of a property would not be a defense against a violation.

Subdivisions c is existing law that has been relocated to this section. Section c pertains to the removal by those not registered or licensed by the Business Integrity Commission (BIC) of recycling set out by commercial establishments.

Section 16-442 allows for private persons to identify and testify or submit a sworn statement to the effect that they witnessed a violation of section 16-441. If a violation is issued based on this information, the Commissioner of DSNY can pay a reward to such person of half the value of any civil penalty collected for the violation.

Section 16-463 pertains to the receipt and handling of certain recyclable materials. Subdivision a allows for the Commissioners of DSNY and the Department of Consumer Affairs and the Chairperson of the Business Integrity Commission to develop and adopt rules for facilities that handle recyclable materials, including scrap metal facilities. These rules would include provisions that anyone who removes refrigerants or contracts to have them removed must submit proof the person who removes the refrigerant is licensed to do so. Dealers, distributors, and redemption centers as defined by section 27-1003 of the State Environmental Conservation Law would be excluded.

Subdivision b of this section would preclude the acceptance of recyclable materials from anyone but DSNY, a BIC-regulated individual, a person who has entered into a written agreement under section 16-461, a not-for-profit corporation, or someone bringing back his or her own recycling. It also would establish as a rebuttable presumption that all recycling material was generated within the City and would exclude the same facilities as section 16-463.

Subdivision c would prohibit anyone from receiving department-marked items except from a DSNY employee. A written agreement would not be a defense against this violation.

Subdivision d would prohibit anyone from receiving a refrigerant-containing appliance that has not had the refrigerant properly removed, unless the person receiving the item can lawfully remove the refrigerant, has a contract to have it lawfully removed, or is re-using the item for its original purpose.

Section 16-464 establishes penalties for violations of this section. Paragraph 1 of subdivision a establishes a criminal fine of five hundred dollars or imprisonment not to exceed 48 hours, and civil penalties of five hundred dollars for a first offense, seven hundred dollars for a second offense that occurs within 18 months, and one thousand dollars for a third violation in that timeframe, for violations of section 16-461, which generally prohibits the removal and transport by motor vehicle of material placed in the City's recycling program. Paragraph 1 of subdivision e creates a criminal penalty of one thousand dollars and imprisonment of up to 48 hours, as well as civil penalties of one thousand dollars for a first offense and two thousand dollars for subsequent offenses in an 18 month period, for violations of subdivision d of section 16-461, which prohibits theft of recycling from the commercial sector. Otherwise this section establishes civil penalties ranging from fifty to one thousand five hundred dollars for first offenses, with escalating fines for some offenses. In addition, a number of violations where a motor vehicle is used can lead to confiscation of the vehicle.

Section 5 of Title 10 of the Ad. Code allows any existing contracts between buildings with four or more units and private haulers to continue until they expire, if they do so before June 26, 2015, or, if not, requires that they expire on that date, provided that any contract that ends prior to June 26, 2015, can be extended one time until June 26, 2015.

The final section of the proposed bill states that the local law would take effect 120 days after enactment, except that subdivision a of section 16-461, subdivision c of section 16-461, paragraph three of subdivision a of section 16-464, subdivision c of section 16-464, and subdivision h of section 16-464, as added by section four of this local law, and section five of this local law, shall take effect immediately paragraph 2 of subdivision a of section 16-461 would not apply to contracts in effect prior to the effective date, but it will apply to contracts and renewals entered into after that date. It also allow the Commissioner to take actions such as promulgating rules prior to that time.

#### **Proposed Int. No. 893/2012-A**

To amend the administrative code of the city of New York, in relation to the collection of beverage containers using a motor vehicle.

Section 1 of the proposed bill Int. No. 893 would add a new chapter 4-D to the Administrative Code of the City of New York, with new section 16-470 through 16-477.

Section 16-470 defines terms in the chapter. It defines "in bulk," "motor vehicle," "owner," "person," and "street."

Subdivision a of section 16-471 disallows the collection of bulk beverage containers from more than one person using a motor vehicle on New York City

streets. Subdivision b of this section disallows the transfer of bulk recycling from one vehicle to another on a city street where one or more vehicle involved has a commercial license plate. Subdivision c of this section provides an exception to subdivisions a and b for City employees or licensed private carters. Subdivision d of this section provides that the owner of a vehicle used in an illegal transfer of bulk recycling will also be liable, unless the owner can show that the vehicle was used without her or his knowledge.

Subdivision a of section 16-472 requires registration with the Department of Sanitation for individuals who wish to collect bulk beverage containers on private property from more than one person using a motor vehicle. Such applications must include the names of those who will collect bulk recycling, the name of the owner of any vehicle used, the exact location of the collection, and a signed approval from the property owner allowing for this use.

Subdivision b of this section requires the registration to be conspicuously posted. Subdivision c requires the Department to make sure that any property proposed by an applicant for a registration be properly zoned. Subdivision d states that the Commissioner can establish a fee for handling requests for registration under this section. Subdivision e states that any registration issued under this section will expire after a year.

Section 16-473 requires those who are registered pursuant to 16-472 to report annually on who is operating vehicles collecting bulk recycling, if there are any changes to the operation, where the beverage containers they collect are delivered and the amount of refunds paid out and revenue generated from the applicable beverage container collection site in the previous year.

Section 16-474 requires those who are registered pursuant to 16-472 to avoid creating a nuisance or hazardous condition in the operation of their beverage container site or sites, including maintaining clean roadways and sidewalks around the site.

Section 16-475 exempts vehicles collecting material from dealers, distributors, or redemption centers pursuant to state law from the provisions of the chapter.

Section 16-476 provides penalties for violations of the various provisions in the chapter. Violations of 16-471 are punishable by a civil penalty of \$1,000 per violation, and vehicles being used for such violation may be impounded until removal charges and storage fees, or the applicable fine, have been paid. Violations of 16-472 are punishable by a civil penalty of \$500 per violation, and vehicles being used for such violation may be impounded as well. Violations of 16-473 or 16-474 are punishable by a civil penalty of \$250 per violation. In addition to police officers and designated employees of the Department of Sanitation, the Business Integrity Commission and the Department of Consumer Affairs may enforce the chapter.

Section 16-477 authorizes the Commissioner of the Department of Sanitation to promulgate rules to implement the chapter.

Section 2 of the proposed bill states that the law would go into effect 120 days following its enactment.

#### **Proposed Int. No. 894-2012-A**

To amend the administrative code of the city of New York, in relation to the recovery of refrigerants from appliances.

Section 1 of the proposed law amends Title 16 of the Administrative Code of the City of New York to add a new Chapter 4-E, which would contain the following Sections 16-480 through 16-486.

Section 16-480 provides definitions for “appliance,” “original equipment manufacturer,” “recover” or “recovery,” “refrigerants,” “residential generator,” “room air conditioner,” and “serviced by the department.”

Section 16-481 describes proposed requirements of manufacturers of appliances that contain refrigerants to take responsibility for the disposal of refrigerants in their appliances when they are disposed of by residents in New York City. Manufacturers are allowed to develop their own programs, alone or with other manufacturers, although no such program could rely on curbside recycling, or rely on a program set up by the Department of Sanitation (DSNY).

Subdivision a of section 16-482 would require DSNY to establish a program for the removal of refrigerants from appliances discarded for pick up as residential waste. Subdivision b of section 16-458 requires DSNY to establish by rule a rate that it will charge manufacturers whose appliances are serviced under the plan established in subdivision a of section 16-458. Subdivision c establishes that any manufacturer whose product is serviced by the department will be charged a fee for the service.

Section 16-483 states the original manufacturers must properly dispose of refrigerants that they handle through their program.

Section 16-484 gives DSNY the authority to enforce the proposed law and provides a \$500 fine per each violation of section 16-483.

Section 16-485 gives DSNY rulemaking powers regarding the proposed law.

Section 16-486 allows DSNY to enforce the proposed provisions in the bill and provides for penalties for the failure to follow such proposed provisions. Any violation of such provisions would be returnable to the Environmental Control Board, which could impose fines for violations of not more than \$500.

Section 2 of the proposed bill states that the law would be effective 180 days after its enactment.

#### **Changes From Previous Versions of the Bills**

##### **Proposed Int. No. 888**

--The new bill includes prohibitions against removing manhole covers from all systems where they are used and establishes a uniform civil and criminal violation for removing any manhole covers.

##### **Proposed Int. No. 889**

--The new bill contains definitions for “not-for-profit corporation” and “street.”

--The new version of the bill disallows buildings with four or more units from entering into contracts with private haulers to service the building on the same day that DSNY picks up recycling from that building.

--The new version limits contracts between building with four or more units and private haulers to two years.

--The new version does not contain the prohibition against non-DSNY employees removing solid waste.

--The new version includes not-for-profits and individuals returning their own recycling material as entities that scrap metal facilities can accept recycling from.

--The new version lowers all most fines and shortens imprisonment times for criminal violations.

--The new version allows existing contracts between owners of building with four or more units and private haulers to continue until they expire until June 26, 2015, at which point all such contracts expires. If an existing contract ends prior to June 26, 2015, it can be renewed once until that date.

##### **Proposed Int. No. 893**

--The new version does not define “beverage container” and instead defines “recyclable container.”

--The new version prohibits the transfer of bulk recycling between vehicles if one or more has a commercial license plate.

--The new version added new information that must be included in an application to register to collect bulk recycling on private property.

##### **Proposed Int. No. 894**

--Added definitions for “room air conditioner,” and “serviced by the department.”

--Eliminated complex requirements for manufacturers wanting to set up their own programs, and allowed DSNY to charge manufacturers for any of their products serviced by the department.

--Required manufacturers to properly dispose of refrigerants.

--Changed the effective date from immediate upon enactment to 180 days after enactment.

<sup>1</sup> Jessica Simeone, *Thieves Inflicting Paper Cut\$ on City*, N.Y. Post, May 29, 2012.

<sup>2</sup> LL 50/2007.

<sup>3</sup> Jessica Simeone, *Thieves Inflicting Paper Cut\$ on City*, N.Y. Post, May 29, 2012.

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

<sup>5</sup> *Id.*; Jessica Simeone, *Department of Sanitation Cops Ramp Up Patrols to Combat Increased Scrap Metal Theft*, N.Y. Post, May 21, 2012.

<sup>6</sup> Shane Dixon Kavanaugh, *A Rash of Cardboard Thefts Cuts holes in Waste Carters' Pockets*, Crains New York, June 17, 2012.

<sup>7</sup> Patrick McGeehan, *If It's Made of Metal, Thieves Aren't Picky*, N.Y. Times, May 10, 2012.

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

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

<sup>10</sup> *Id.*

<sup>11</sup> Shane Dixon Kavanaugh, *A Rash of Cardboard Thefts Cuts holes in Waste Carters' Pockets*, Crains New York, June 17, 2012.

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

(The following is the text of the Fiscal Impact Statement for Int. No. 888-A:)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 888-A  
COMMITTEE: Committee on  
Sanitation and Solid Waste  
Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the theft of manhole covers.

**SPONSOR(S):** Council Members James, Williams, Dromm, Koo, Koppell, Mendez, Rose, Wills, Levin, Gennaro, Gentile, Ulrich and Halloran

**SUMMARY OF LEGISLATION:** Proposed Int. No. 888-A would amend New York City’s Administrative Code in relation to the theft of manhole covers.

No person would be able to remove, or move any manhole cover including the cover of an opening in the ground, street or sidewalk that is used by any utility or the City. Any person who violates this law would be liable for a civil penalty of \$2,500 to \$10,000. The Environmental Control Board would have the power to impose the civil penalty. A person in violation of this law would also be guilty of a misdemeanor, and upon conviction would be punished by a fine of \$500 to \$10,000, or imprisonment of up to thirty days, or both for each violation. This law does not apply to the owner or duly authorized agent of the owner, or appropriate legal authority of the manhole cover.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** No impact on revenues is expected. We assume full compliance with the law.

**IMPACT ON EXPENDITURES:** There would be no expenditures generated by the enactment of this legislation as the fee structure was amended and enforcement would continue using existing resources.

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

**SOURCE OF INFORMATION:** Mayor’s Office of Legislative Affairs  
Department of Sanitation (DSNY)

**ESTIMATE PREPARED BY:** Kate Seely-Kirk, Senior Legislative  
Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** On June 28, 2012, Intro. 888 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On June 29, 2012 the Committee held a hearing regarding this legislation, which was

then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 888-A. on July 23, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 888-A on July 24, 2013.

**DATE SUBMITTED TO COUNCIL:** June 28, 2012

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

(The following is the text of Int. No. 888-A:)

Int. No. 888-A

By Council Members James, Williams, Dromm, Koo, Koppell, Mendez, Rose, Wills, Levin, Gennaro, Gentile, Van Bramer, Jackson, Lappin, Ulrich and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the theft of manhole covers.**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-118.1 to read as follows:

*10-118.1 Theft of manhole covers. a. Except as provided in subdivision d of this section, no person shall remove, or transport through, along or across a public street, any manhole cover, including but not limited to the cover of an opening in the ground, street or sidewalk used by a public utility or authority to access underground vaults, structures, installations, or other enclosed space; or the cover of such an opening that is part of a sewer system, fuel storage system, or water supply system.*

*b. Any person who violates any provision of this section shall be liable for a civil penalty of not less than two thousand five hundred dollars nor more than ten thousand dollars. A notice of violation issued pursuant to this section shall be returnable to the environmental control board, which shall have the power to impose such civil penalty.*

*c. In addition to the civil penalties set forth in subdivision b of this section, any person who knowingly violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each violation.*

*d. The prohibition in this section shall not apply to the owner of such cover, the duly authorized agent of such owner, or an appropriate legal authority.*

§2. Section 24-304 of the administrative code of the city of New York is amended to read as follows:

§ 24-304 Injury to water supply property. If any *unauthorized* person shall [wilfully] *willfully* do or cause to be done any act by which any work, materials or property, *including manhole covers*, now or hereafter erected or used within the city or elsewhere by such city, or any person acting under their authority, for the purpose of procuring or keeping a supply of water shall in any manner be injured *or removed*, or shall erect or place any nuisance on the banks of any river, lake or stream from which the water supply of such city shall be drawn, such person on conviction thereof, shall be deemed guilty of a misdemeanor.

§3. Subdivision b and c of section 24-346 of the administrative code of the city of New York are amended to read as follows:

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation, *except that the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than two thousand five hundred dollars nor more than ten thousand dollars.* In the case of a continuing violation each [days] *day’s* continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

c. In addition to the civil penalties set forth in subdivision b of this section and except as otherwise specifically provided, any person who knowingly violates or fails to comply with any provision of this chapter and chapter four of this title or any order, rule or regulation issued by the commissioner or board or with the conditions of any permit issued by the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than one thousand dollars, or by imprisonment not exceeding thirty days, or both for each violation, *except that the punishment for the removal of a manhole*

cover in violation of section 24-304 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each violation. In the case of a continuing violation each [days] day's continuance shall be a separate and distinct offense.

§4. Subdivision f and g of section 24-524 of the administrative code of the city of New York are amended to read as follows:

f. Any person who violates or fails to comply with any of the provisions of section 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board or commission of environmental protection pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable for a civil penalty not exceeding ten thousand dollars for each violation, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the penalty for the removal of a manhole cover in violation of section 24-517 shall be not less than two thousand five hundred dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

g. In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates or fails to comply with any provision of sections 24-504 through 24-522 or section 24-523 of this chapter or any order, rule or regulation issued by the commissioner of environmental protection or environmental control board pursuant thereto or with the conditions of any permit issued pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than ten thousand dollars, or by imprisonment not exceeding thirty days, or both for each offense, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the punishment for the removal of a manhole cover in violation of section 24-517 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

§5. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; July 23, 2012.

On motion of the Speaker (Council Member Quinn), 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. 889-A

**Report of the Committee on Sanitation and Solid Waste 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 the unlawful removal or acceptance of certain recyclable material.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 28, 2012 (Minutes, page 2602), respectfully

#### REPORTS:

(For text of the report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 888-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 889-A:)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 889-A

COMMITTEE: Committee on  
Sanitation and Solid Waste  
Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the unlawful removal or acceptance of recyclable material.

**SPONSOR(S):** Council Members James, Williams, Dromm, Koo, Koppell, Mendez, Lappin, Gentile, Levin, Gennaro, and Halloran

**Summary of Legislation:** Proposed Int. No.889- A would amend New York City's Administrative Code in relation to the unlawful removal or acceptance of recyclable material.

No person would be able to prevent, or otherwise interfere with cleaning of any street, the removal of snow or ice from any street, or the collection or removal of any solid waste or recyclable material from any street, by any employee of the NYC Department of Sanitation (DSNY). Any violation would constitute an offense punishable by a fine of \$50 to \$250, and/ or by imprisonment of ten days or less. If a person were to violate the law a second time within a 12 month period they would be liable to pay a civil penalty of \$250 to \$350. A person who violates the law a third time within a 12 month period would be liable to a civil penalty of \$350 - \$450.

#### Unlawful Removal or Sale of Material -- Recyclables

##### *Prohibition of Removal*

This legislation would make it illegal for any person, other than a DSNY employee, to remove and transport by motor vehicle any recyclable material that has been placed within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection or removal by the DSNY by any persons or entities that currently receive DSNY collection. It would be legal for an owner of a building or a representative of the owner to enter into a legal agreement to have someone pickup materials from their property.

Any violation would constitute an offense punishable by a criminal fine of \$500 or imprisonment of up to 48-hours or both, or a civil penalty of \$500 for the first offense, \$750 for a second offense that occurs on a different day within any 18-month period, and \$1,000 for each subsequent offense that occurs on a different day within any 18-month period.

No person would be in violation as long as they had removed three or fewer recyclable items, per day, or if the items removed are loose such as individual magazines that are not bundled together with other mixed paper.

Additionally, any owner of a motor vehicle used in violation of this section of the law would be liable for a civil penalty of \$500 for the first offense, \$750 for a second offense within any 18-month period, and \$1,000 for each subsequent offense within any 18-month period, regardless of whether the same vehicle was used in the subsequent offense. The vehicle could be impounded by DSNY and not be released until all storage fees and the applicable fines and penalties have been paid, or a bond has been posted in an amount approved by the Commissioner. If the owner of the vehicle is convicted or found liable in a criminal or civil proceeding before the NYC Environmental Control Board (ECB) three or more times within 18-months the impounded vehicle would be forfeited after notice was given and a judicial determination made. After 30 days the City could sell the motor vehicle at a public sale.

The motor vehicle owner would not be liable if the owner was able to prove that the motor vehicle was used without the owner's permission.

##### *Right of First Refusal – Four or More Units*

The owner of any building containing four or more residential units or any building that is occupied by a City agency or institution receiving DSNY collection may not enter in agreement with any person for supplemental collection of recyclable material for purposes of transport or handling unless:

- regular scheduled department collection from such building is insufficient to meet the needs of the building,
- the owner has requested DSNY supplemental collection of recyclable material and was denied, and
- the supplemental pickup would not be the same day as DSNY pickup.

DSNY would be required to respond to requests for supplemental collection within thirty days. Non-responsiveness from the DSNY would equate to a denial of the request. Any violation would constitute a civil penalty of \$1,000.

Any agreement for supplemental recyclables collection between the building owner and the entity to do the collection would need to be written, signed and dated by the owner or agent, signed and dated by the representative of the collectors, notarized, and filed with the DSNY Commissioner's office within five business days of the signing. Other information requirements are outlined in the legislation. Any violation would constitute a civil penalty of \$100.

The contracts for supplemental collection are not to exceed two years. Any violation would constitute a civil penalty of \$100.

Valid proof of this agreement should be readily available by the person or vehicle doing the supplemental pickup. Any violation would constitute a civil penalty of \$100.

Twice a year on or before February 1 and August 1 the people engaged in the supplemental recyclables pickup (building owner and the entity doing the collection) would be required to submit a written report that includes the weight of each type of recyclable material. It would be illegal to include false or misleading information or to fail to submit the report. If this law is violated the person would be liable for a civil penalty of \$500.

#### *Buildings with 1-3 Units*

The owner or agent of any residential building containing one, two or three residential units may enter into an agreement with any person for the collection of recyclable material from such building. All agreements would be written; signed and dated by such owner and by or on behalf of the person responsible for the collection of recyclable material from such building; and would include the address of such building and the names and telephone numbers of the parties involved in the agreement and would be in the possession of the person at the time such recyclable material is removed. No such agreement may provide for the collection of DSNY-marked items.

#### Unlawful Removal or Sale of Material – DSNY-Marked Items Containing Refrigerants

##### *Prohibition of Removal*

Except for an authorized employee or agent of the DSNY, it would be unlawful for any person to remove and transport by motor vehicle any refrigerant-containing item or DSNY-marked item that has been placed by any owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection, removal, or refrigerant removal by the department.

Any person that violates this law would face a criminal fine of \$750 or imprisonment not to exceed 48-hours, or both; or a civil penalty of \$750 for the first offense, \$1,000 for the second offense that occurs on a different day within an 18-month period and \$1,500 for each subsequent offense that occurs on a different day within such 18-month period. Every building or lot from which recyclable material has been removed illegally would constitute a separate violation for which a criminal fine or civil penalty could be imposed.

For any department-marked item removed in violation of this subdivision, a written agreement between the owner of a residential building or an authorized agent of such owner, and the person removing such item would not be a defense in any proceeding before the ECB or other court of appropriate jurisdiction to the improper removal of such item.

Additionally, any owner of a motor vehicle used in violation of this section of the law would be liable for a civil penalty of \$500 for the first offense, \$750 for a second offense within any 18-month period, and \$1,000 for each subsequent offense within any 18-month period, regardless of whether the same vehicle was used in the subsequent offense. The vehicle could be impounded by DSNY and not be released until all storage fees and the applicable fines and penalties have been paid, or a bond has been posted in an amount approved by the Commissioner. If the owner of the vehicle is convicted or found liable in a criminal or civil proceeding before the NYC Environmental Control Board (ECB) three or more times within 18-months the impounded vehicle would be forfeited after notice was given and a judicial determination made. After 30 days the City could sell the motor vehicle at a public sale.

The motor vehicle owner would not be liable if the owner was able to prove that the motor vehicle was used without the owner's permission.

#### Unlawful Removal or Sale of Material – Commercial Buildings

Except for an authorized employee of a person licensed by or registered with the NYC Business Integrity Commission (BIC) it would be illegal for any person to remove and transport by motor vehicle any amount of recyclable material that has been placed by any owner, tenant or occupant of a commercial building, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building for collection or removal by an entity licensed by or registered with BIC. It would be presumed that a person operating a motor vehicle without plates issued by BIC is not an authorized employee of a person licensed by or registered with BIC. The owner of any motor vehicle used in violation of this subdivision would also be liable for any such violation.

Any person that violates this law would face a criminal fine of \$1,000 or imprisonment not to exceed 48-hours, or both; or a civil penalty of \$1,000 for the first offense and \$2,000 dollars for each subsequent offense that occurs on a different day within any 18-month period. Every building or lot from which recyclable material has been illegally removed would constitute a separate violation for which a criminal fine or civil penalty may be imposed.

Additionally, any owner of a motor vehicle used in violation of this section of the law would be liable for a civil penalty of \$1,000 for the first offense, and \$2,000 for any subsequent offense within any 18-month period and, regardless of whether the same vehicle was used in the subsequent offense. The vehicle could be impounded by DSNY and not be released until all storage fees and the applicable fines and penalties have been paid, or a bond has been posted in an amount approved by the Commissioner. If the owner of the vehicle is convicted or found liable in a criminal or civil proceeding before the NYC Environmental Control Board (ECB) three or more times within 18-months the impounded vehicle would be forfeited after notice was given and a judicial determination made. After 30 days the City could sell the motor vehicle at a public sale.

The motor vehicle owner would not be liable if the owner was able to prove that the motor vehicle was used without the owner's permission.

#### Rewards

This legislation would establish a rewards program to allow individuals to submit a sworn statement affirming that they observed an unauthorized employee remove and transport by motor vehicle any amount of recyclable material as described above. If the testimony of sworn statement contributes to the imposition of a civil or criminal penalty upon any person for the violation, the DSNY Commissioner would then offer a reward.

#### Receipt of Recyclable Materials

Notwithstanding any other provision of law, the Commissioners of DSNY and the NYC Department of Consumer Affairs, and the Chairperson of BIC, would be authorized to adopt rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within the city of New York.

Any rules adopted would provide that any person who removes refrigerant or contracts with a third party for the removal of refrigerant from refrigerant-containing items must submit proof that refrigerant removal was conducted in accordance with rules and guidelines established by the United States Environmental Protection Agency (EPA).

No person would be able to receive for storage, collection or processing recyclable material generated within the NYC from any person other than an authorized employee or agent of DSNY, an authorized employee of an entity licensed by or registered with BIC, not-for-profit corporation, an owner, tenant or occupant of a building returning his or her own recyclable material generated solely by such owner, tenant or occupant and his or her household members, or a person who has lawfully entered into a written agreement pertaining to recyclable material. There would be a rebuttable presumption that all recyclable material received for storage, collection or processing was generated within the NYC.

Any person who violates this portion of the law would be liable for a criminal fine of \$1,000 or imprisonment not to exceed 48-hours, or both; or a civil penalty of \$1,000 for the first offense and \$2,000 for each subsequent offense within any 18-month period. Each receipt from a separate motor vehicle of recyclable material would constitute a separate violation for which a criminal fine or civil penalty may be imposed.

No person would be able to receive for storage, collection or processing any department-marked item from any person other than an authorized employee or agent of DSNY. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a department-marked item to such person would not be a defense in any proceeding before the ECB or other court of appropriate jurisdiction to the improper receipt of such item.

Any person who violates this portion of the law would be liable for a criminal fine of \$1,500 or imprisonment not to exceed 48-hours, or both; or a civil penalty of \$1,500 for the first offense and \$3,000 for each subsequent offense within any 18-month period. Each receipt from a separate motor vehicle of department-marked material would constitute a separate violation for which a criminal fine or civil penalty may be imposed.

No person would be able to receive for storage, collection or processing any refrigerant-containing item that has not had such refrigerant lawfully removed by a person authorized to remove refrigerants, unless the person receiving the refrigerant-containing item either possesses refrigerant recovery equipment certified by the U.S. EPA.

Any person who violates this portion of the law would be liable for a criminal fine of \$1,500 or imprisonment not to exceed 48-hours, or both; or a civil penalty of \$1,500 for the first offense and \$3,000 for each subsequent offense within any 18-month period. Each receipt from a separate motor vehicle of department-marked material

would constitute a separate violation for which a criminal fine or civil penalty may be imposed.

**EFFECTIVE DATE:** This local law shall take effect 120 days after enactment, except that certain portions as outlined in the legislation shall take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** No impact on revenues is expected. Full compliance with the law is assumed.

**IMPACT ON EXPENDITURES:** There would be no expenditures generated by the enactment of this legislation as enforcement would continue using existing resources.

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

**SOURCE OF INFORMATION:** Mayor's Office of Legislative Affairs  
Department of Sanitation (DSNY)

**ESTIMATE PREPARED BY:** Kate Seely-Kirk, Senior Legislative  
Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** On June 28, 2012, Intro. 889 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On June 29, 2012 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 889-A, on July 23, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 889-A on July 24, 2013.

**DATE SUBMITTED TO COUNCIL:** June 28, 2012

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 889-A:)**

Int. No. 889-A

By Council Members James, Williams, Dromm, Koo, Koppell, Mendez, Lappin, Gentile, Levin, Gennaro, Van Bramer, Jackson and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the unlawful removal or acceptance of recyclable material.**

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that it is important to the general welfare and economic vitality of the City to have a robust residential and commercial recycling program. Unfortunately, there has been an increase in the theft of recyclable material placed curbside for collection by the Department of Sanitation (DSNY) or private carters by persons utilizing motor vehicles. Additionally, the City does not receive recyclables from certain large residential and institutional buildings. Such activity has a negative economic impact on the City, jeopardizes the stability and integrity of the City's residential and commercial recycling program and makes it more difficult to achieve the City's recycling goals. Furthermore, there has been a dramatic increase in the theft of recyclable material containing refrigerants placed curbside by residents for DSNY removal. Theft of this material likely means that the chlorofluorocarbons (CFCs) and other refrigerants

present in this material are not being properly removed pursuant to the Clean Air Act. To address these issues, the Council finds that it is necessary to strengthen the laws against the unlawful removal of recyclable material and bolster DSNY's collection from residential and institutional buildings.

§ 2. Subdivision 7 of section 16-118 of the administrative code of the city of New York is REPEALED and reenacted to read as follows:

7. No person shall prevent, or otherwise interfere with, the sweeping or cleaning of any street, the removal of snow or ice from any street or the collection or removal of any solid waste or recyclable material from any street, by any employee of the department.

§ 3. Subdivisions 8 and 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 50 for the year 2007, are amended to read as follows:

8. [Except for any violation of subparagraph one of paragraph b or paragraph c of subdivision seven of this section by a person using or operating a motor vehicle, or any violation of subparagraph two of paragraph b of subdivision seven of this section, or any violation of paragraph d of subdivision seven of this section, the] *The violation of any provision of this section shall constitute an offense punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars, or by imprisonment not to exceed ten days, or both.*

9. [Except for any violation of subparagraph one of paragraph b or paragraph c of subdivision seven of this section by a person using or operating a motor vehicle, or any violation of subparagraph two of paragraph b of subdivision seven of this section, or any violation of paragraph d of subdivision seven of this section, any] *Any person violating the provisions of this section shall be liable for a civil penalty of not less than fifty dollars nor more than two hundred fifty dollars, except that for a second violation of subdivision one, three, four, or six of this section within any twelve-month period, such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars and for a third or subsequent violation of subdivision one, three, four or six of this section within any twelve-month period such person shall be liable for a civil penalty of not less than three hundred fifty dollars nor more than four hundred fifty dollars.*

§ 4. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-C to read as follows:

**CHAPTER 4-C: UNLAWFUL REMOVAL AND ACCEPTANCE OF RECYCLABLE MATERIAL**

§ 16-460 Definitions.

§ 16-461 Unlawful removal or sale of material.

§ 16-462 Rewards.

§ 16-463 Receipt of recyclable material.

§ 16-464 Enforcement.

§ 16-465 Severability.

§ 16-460 Definitions. As used in this chapter:

"Department-marked item" means any refrigerant-containing item that: (i) has written upon it a department service identification number that has been provided to the property owner by a 311 or department representative, or (ii) has affixed upon it an official decal or sticker indicating that such item is designated for future servicing of refrigerant removal by the department, or (iii) has affixed upon it an official decal or sticker indicating that such item has already been serviced for refrigerant removal by the department.

"Motor vehicle" means any vehicle operated or driven upon a street that is propelled by any power other than human or animal power.

"Motor vehicle operator" means any person who operates, drives or is in actual physical control of a motor vehicle, and shall include any other person in such vehicle who assists the motor vehicle operator by removing any recyclable material placed out for collection by the department or a licensed carter or by loading recyclable material into the motor vehicle, or both, in violation of section 16-461 of this chapter.

"Motor vehicle owner" or "owner of a motor vehicle" means any person, other than a lienholder, having the property in or title to a motor vehicle, including a person entitled to the use and possession of a motor vehicle subject to a security interest by another person, and any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days.

"Not-for-profit corporation" means a not-for-profit corporation as defined in subparagraph five or subparagraph seven of subdivision a of section one hundred two of the New York state not-for-profit corporation law.

"Person" means any individual, firm, corporation or other legal entity.

"Recyclable material" means material that is discarded by or in excess to its owner at the time of such discard and (i) is designated as recyclable by the commissioner by rule pursuant to subdivision b of section 16-305 of this title or (ii) has an identifying mark, stamp or embossment indicating such material is the public property of the city or state of New York or the property of any public or private utility company.

"Refrigerant" means any substance consisting in whole or in part of a class I or class II ozone-depleting substance, which is used for heat transfer purposes and provides a cooling effect, including, but not limited to, chlorofluorocarbons, hydrochlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting

substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A substitute substance shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.

"Refrigerant-containing item" means any recyclable material that uses a refrigerant that must be removed prior to disposal, including, but not limited to, any air conditioner, refrigerator, water cooler, or freezer.

"Solid waste" means solid waste as defined in section 16-303 of this title.

"Street" means any public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, including marginal streets.

§ 16-461 Unlawful removal or sale of material. a. Recyclable material. 1. Except for an authorized employee or agent of the department, it shall be unlawful for any person to remove and transport by motor vehicle any recyclable material that has been placed by any owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection or removal by the department. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation. This paragraph shall not prohibit any person from lawfully entering into a written agreement with the owner of a building, or his or her agent, pursuant to subdivision a of this section.

2. i. The owner or agent of any building containing four or more residential units or any building that is occupied by a city agency or institution receiving department collection, may not enter into an agreement for the supplemental collection of recyclable material for purposes of transport, handling or management with any person other than the department unless (A) regularly scheduled department collection of recyclable material from such building is insufficient to meet the needs of such building, (B) such owner or agent has requested supplemental collection of recyclable material from the department and the department has denied the request, and (C) such supplemental collection by a person other than the department does not take place on the same day as regularly scheduled department collection of recyclable material for such building, in which case such owner or agent may enter into an agreement for the supplemental collection of recyclable material with a person other than the department. The department shall respond to requests for supplemental collection of recyclable material within thirty days of the receipt of such request. If the department does not respond within such period, the department shall be deemed to have denied the request for supplemental collection. The requirements of this paragraph shall not apply to recyclable material that is not designated recyclable by the department pursuant to subdivision b of section 16-305 of this title. In no event may such agreement for the supplemental collection of recyclable material provide for the removal of department-marked items.

ii. Nothing in this section shall be construed to allow the owner or agent of any building containing four or more units or any building that is occupied by a city agency or institution receiving department collection to enter into an agreement for recycling collection on the same day as regularly scheduled department collection of recyclable material for any such building.

iii. Any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph shall be written; signed and dated by the owner or agent and by or on behalf of the person responsible for the supplemental collection of recyclable material; notarized; filed with the commissioner within five business days of being signed; and shall include the address of the building receiving supplemental collection; the names, telephone numbers and taxpayer identification numbers, including individual or employer taxpayer identification numbers, but not social security numbers, of the person responsible for the collection of such material; the names, titles and telephone numbers of all signatories to such agreement; the terms relating to price and the days and times of collection, if any; the duration of such agreement; the estimated quantity of recyclable material to be collected on a weekly basis; and any other information required by the commissioner by rule.

iv. Any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph shall not exceed two years in duration.

v. Valid proof of any agreement lawfully entered into for the supplemental collection of recyclable material pursuant to this paragraph must be in the possession of the motor vehicle operator at the time such recyclable material is collected. Valid proof shall mean a copy of such agreement or a copy of the notarized signatory page of such agreement, together with a letter from the department acknowledging the filing of such agreement with the commissioner. Such proof shall not be required where the person responsible for the supplemental collection of recyclable material is licensed pursuant to subdivision a of section 16-505 of this code.

3. On or before February first and August first of every year, every person engaged in the lawful collection of recyclable material pursuant to a written agreement in accordance with paragraph two of this subdivision shall submit to the commissioner a report identifying the weight of each type of recyclable material collected by such person during the periods of July first to December thirty-first and January first to June thirtieth, respectively. It shall be unlawful for any person to fail to submit a report in accordance with this paragraph or to submit a report containing false or misleading information.

4. i. The owner or agent of any residential building containing one, two or three residential units may enter into an agreement with any person for the collection of recyclable material from such building.

ii. Any such agreement shall be written; signed and dated by such owner and by or on behalf of the person responsible for the collection of recyclable material from such building; and shall include the address of such building and the names and telephone numbers of the parties to such agreement and shall be in the possession of such person at the time such recyclable material is removed. No such agreement may provide for the collection of department-marked items.

b. Refrigerant-containing and department-marked items. 1. Except for an authorized employee or agent of the department, it shall be unlawful for any person to remove and transport by motor vehicle any refrigerant-containing item or department-marked item that has been placed by any owner, tenant or occupant of any residential building, building occupied by city agencies or institutions, or vacant lot, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building or lot for collection, removal, or refrigerant removal by the department. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation. This paragraph shall not apply to any person who has lawfully entered into a written agreement with the owner of a building, or his or her agent, pursuant to subdivision a of this section for the collection of refrigerant-containing items that are not department-marked items.

2. There shall be a rebuttable presumption that the owner and/or operator of any motor vehicle carrying a department-marked item has violated this subdivision by either (i) unlawfully removing such department-marked item or (ii) directing or permitting an agent or employee or other individual under such person's control to unlawfully remove such department-marked item.

3. For any department-marked item removed in violation of this subdivision, a written agreement between the owner of a residential building or an authorized agent of such owner, and the person removing such item shall not be a defense in any proceeding before the environmental control board or other court of appropriate jurisdiction to the improper removal of such item.

c. Commercial buildings. Except for an authorized employee of a person licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code, it shall be unlawful for any person to remove and transport by motor vehicle any amount of recyclable material that has been placed by any owner, tenant or occupant of a commercial building, or by their agent, within the stoop area, adjacent to the curb line or otherwise adjacent to such building for collection or removal by an entity licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code. It shall be presumed that a person operating a motor vehicle without plates issued by the business integrity commission is not an authorized employee of a person licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code. The owner of any motor vehicle used in violation of this subdivision shall also be liable for any such violation.

§ 16-462 Rewards. The commissioner shall establish a program to allow individuals to submit a sworn statement affirming the observation of a violation of section 16-461 of this chapter and, where the commissioner deems it appropriate, allow for a reward for any such sworn statement. Where a notice of violation or summons is issued for a violation of section 16-461 of this chapter based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with the testimony of the person submitting such sworn statement at a civil or criminal proceeding or in a proceeding before the environmental control board, contributes to the imposition of a civil or criminal penalty upon any person for a violation of section 16-461 of this chapter, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to fifty percent of any civil or criminal penalty collected. No peace officer, employee of the department or of the environmental control board, employee of any company under contract with the department, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of section 16-461 of this chapter, shall be entitled to obtain the benefit of any such reward when acting in the discharge of his or her official duties.

§ 16-463 Receipt of recyclable material. a. 1. Notwithstanding any other provision of law, the commissioners of sanitation and consumer affairs, and the chairperson of the business integrity commission, shall be authorized to adopt rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within the city of New York. This paragraph shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law.

2. Any rules adopted pursuant to this subdivision shall provide that any person who removes refrigerant or contracts with a third party for the removal of refrigerant from refrigerant-containing items must submit proof that refrigerant removal was conducted in accordance with rules and guidelines established by the United States environmental protection agency.

b. No person shall receive for storage, collection or processing recyclable material generated within the city of New York from any person other than (i) an authorized employee or agent of the department, (ii) an authorized employee of an entity licensed by or registered with the business integrity commission pursuant to subdivision a or b of section 16-505 of this code, (iii) a not-for-profit corporation, (iv) an owner, tenant or occupant of a building returning his or her own recyclable material generated solely by such owner, tenant or occupant and his or her household members, or (v) a person who has lawfully entered into a written agreement pursuant to subdivision a of section 16-461 of this chapter. There shall be

a rebuttable presumption that all recyclable material received for storage, collection or processing was generated within the city of New York. This subdivision shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law, or to any person who, using a motor vehicle, collects recyclable containers in bulk and is required to be registered pursuant to local law.

c. No person shall receive for storage, collection or processing any department-marked item from any person other than an authorized employee or agent of the department. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a department-marked item to such person shall not be a defense in any proceeding before the environmental control board or other court of appropriate jurisdiction to the improper receipt of such item.

d. No person shall receive for storage, collection or processing any refrigerant-containing item that has not had such refrigerant lawfully removed by a person authorized to remove refrigerants, unless the person receiving the refrigerant-containing item either possesses refrigerant recovery equipment certified by the United States environmental protection agency, or has a valid agreement to remove such refrigerant with a person certified by the United States environmental protection agency to remove refrigerant, or is receiving such item for reuse for its original purpose.

§ 16-464 Enforcement. a. 1. Any person who violates paragraph one of subdivision a of section 16-461 of this chapter shall be liable for (i) a criminal fine of five hundred dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of five hundred dollars for the first offense, seven hundred fifty dollars for the second offense that occurs on a different day within any eighteen-month period and one thousand dollars for each subsequent offense that occurs on a different day within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this paragraph, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

2. No person shall be in violation of paragraph one of subdivision a of section 16-461 of this chapter if such person has removed three or fewer recyclable items, in the aggregate, per day or if such removed items are loose, individual magazines or soft-cover books that are not bundled and tied together with other mixed paper. This paragraph shall not apply to any refrigerant-containing item, or any large bulk metal item as defined by the commissioner by rule, or if the department observes the presence of additional recyclable material in the motor vehicle. There shall be a rebuttable presumption that the presence of such additional recyclable material in the motor vehicle indicates that such material was collected in violation of paragraph one of subdivision a of section 16-461 of this chapter.

3. Any person who violates subparagraph i of paragraph two of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of one thousand dollars.

4. Any person who violates subparagraphs iii, iv or v of paragraph two of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of one hundred dollars for each such violation.

5. Any person who violates paragraph three of subdivision a of section 16-461 of this chapter shall be liable for a civil penalty of five hundred dollars.

b. Any person who violates subdivision b of section 16-461 of this chapter shall be liable for (i) a criminal fine of seven hundred fifty dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of seven hundred fifty dollars for the first offense, one thousand dollars for the second offense that occurs on a different day within an eighteen-month period and one thousand five hundred dollars for each subsequent offense that occurs on a different day within such eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

c. Any person who violates subdivision c of section 16-461 of this chapter shall be liable for (i) a criminal fine of one thousand dollars or imprisonment not to exceed forty-eight hours, or both, or (ii) a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense that occurs on a different day within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, every building or lot from which recyclable material has been removed unlawfully shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

d. 1. Any owner of a motor vehicle used in violation of subdivision a or b of section 16-461 of this chapter shall be liable for a civil penalty of five hundred dollars for the first offense, seven hundred fifty dollars for a second offense within any eighteen-month period and one thousand dollars for each subsequent offense within any eighteen-month period, regardless of whether the same vehicle was used in the subsequent offense. Notwithstanding the foregoing, such motor vehicle owner shall not be liable if such owner establishes that the motor vehicle was used for purposes of violating the provisions of this chapter without such owner's permission.

2. Any owner of a motor vehicle used in violation of subdivision c of section 16-461 of this chapter shall be liable for a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense within any eighteen-month period, regardless of whether the same vehicle was used in the subsequent offense. Notwithstanding the foregoing, such motor vehicle owner shall not be liable if such owner establishes that the motor vehicle was used for purposes of violating the provisions of this chapter without such owner's permission.

3. Any motor vehicle that has been used or is being used to commit a violation of subdivision a, b or c of section 16-461 of this chapter may be impounded by the

department and shall not be released until either all storage fees and the applicable fines and penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner. Rules of the department related to the impoundment and release of motor vehicles in chapter five of title sixteen of the rules of the city of New York shall be applicable to the impoundment and release of motor vehicles pursuant to this paragraph. The commissioner shall have the power to promulgate amended rules concerning the impoundment and release of motor vehicles and the payment of storage fees for such motor vehicles, including the amounts and rates thereof. Where it is determined that the motor vehicle was not used to commit a violation of subdivision a, b or c of section 16-461 of this chapter, such fees shall be promptly returned.

4. In addition to any other penalties provided in this subdivision, the interest of a vehicle owner in any motor vehicle impounded pursuant to paragraph three of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such vehicle owner has been convicted of or found liable for a violation of this chapter in a criminal or civil proceeding or in a proceeding before the environmental control board three or more times, all of which violations were committed within any eighteen-month period.

5. Except as otherwise provided in this subdivision, the city agency having custody of a motor vehicle after judicial determination of forfeiture shall no sooner than thirty days after such determination upon a notice of at least five days, sell such forfeited motor vehicle at public sale. Any person, other than a vehicle owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in such motor vehicle, including a part ownership or security interest, shall be entitled to delivery of the motor vehicle if such person:

(i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;

(ii) pays the reasonable expenses of the safekeeping of such motor vehicle between the time of seizure and such redemption; and

(iii) asserts a claim within thirty days after judicial determination of forfeiture. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of such vehicle if the city establishes that the violation for which the motor vehicle was seized was expressly or impliedly permitted by such person.

e. Any person who violates subdivision b of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand dollars for the first offense and two thousand dollars for each subsequent offense within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of recyclable material shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

f. Any person who violates subdivision c of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand five hundred dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand five hundred dollars for the first offense and three thousand dollars for each subsequent offense within an eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of department-marked material shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

g. Any person who violates subdivision d of section 16-463 of this chapter shall be liable for (i) a criminal fine of one thousand five hundred dollars or imprisonment not to exceed forty eight hours, or both, or (ii) a civil penalty of one thousand five hundred dollars for the first offense and three thousand dollars for each subsequent offense within any eighteen-month period. For the purpose of imposing a criminal fine or civil penalty pursuant to this subdivision, each receipt from a separate motor vehicle of a refrigerant-containing item shall constitute a separate violation for which a criminal fine or civil penalty may be imposed.

h. The provisions of this chapter may be enforced by the department, the police department, the department of consumer affairs and the business integrity commission.

i. Where a notice of violation is issued for a violation of any of the provisions of this chapter, such process shall be returnable to the environmental control board or court of appropriate jurisdiction, which shall have the power to impose the civil penalties provided in this section.

§ 16-465 Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§ 5. Notwithstanding paragraph two of subdivision a of section 16-461 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by section four of this local law, an agreement for the collection of recyclable material entered into prior to June 26, 2013, shall terminate on the date provided therein or shall be deemed to terminate on June 26, 2015, whichever date is earlier, provided, however, that if such agreement terminates prior to June 26, 2015, it may be renewed once for a period ending no later than June 26, 2015.

§ 6. This local law shall take effect one hundred twenty days after enactment, except that paragraph two of subdivision a of section 16-461, subdivision c of section 16-461, paragraph three of subdivision a of section 16-464, subdivision c of section 16-464, and subdivision h of section 16-464, as added by section four of this local law, and section five of this local law, shall take effect immediately; and provided that the commissioners of sanitation and consumer affairs, and the chairperson of the business integrity commission, may take such actions as are necessary for the

implementation of this local law, including promulgation of rules, on and after the date of enactment.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 893- A

**Report of the Committee on Sanitation and Solid Waste 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 the collection of beverage containers using a motor vehicle.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 28, 2012 (Minutes, page 2615), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 888-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 893-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

**FISCAL IMPACT STATEMENT**

INTRO. NO: 893-A  
COMMITTEE: Committee on Sanitation and Solid Waste Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the acceptance of recyclable containers in bulk using a motor vehicle.

**SPONSOR(S):** Council Members Recchia, Koo, Koppell, and Van Bramer, Lappin, Gennaro, Gentile, and Dromm

**SUMMARY OF LEGISLATION:** Proposed Int. No. 893-A would amend New York City's Administrative Code in relation to the acceptance of recyclable containers in bulk using a motor vehicle.

This legislation would make it illegal for anyone to accept, receive or otherwise collect recyclable containers in bulk from more than one person using a motor vehicle on any streets in New York City (NYC). It would also be illegal to transfer recyclable containers in bulk from one vehicle to another in NYC where one or more of the vehicles have a commercial license plate, except for authorized employees or agents of the City involved in the collection of solid waste or recyclable materials.

The owner of any motor vehicle who unlawfully engages in this activity would be liable for any violations unless the owner could prove the car was used without her/his permission. The civil penalty would be \$1,000 per violation as determined by the NYC Environmental Control Board (ECB).

Additionally this legislation would make it illegal for anyone to accept, receive, or transfer recyclable containers in bulk from more than two people using a motor vehicle on private property in NYC without registering annually with the NYC Department of Sanitation (DSNY). Civil penalties of \$500 per violation could be issued as determined by the ECB.

Vehicles used for the aforementioned illegal activity that have not been registered could be impounded by DSNY and held until all storage fees and fines have been paid or an approved bond has been posted.

Registration would require the applicant to provide: the names and addresses of the driver and owner of the motor vehicle to be used, the address of the property where recyclable bulk containers would be collected, the property owner's name, and a signed certification from the owner. The certification would need to be posted clearly in the motor vehicle. Before issuing a permit the DSNY would confirm that the property is located in a zoning district that allows such a use. DSNY could require a fee to process applications through a rule change.

Registrants would be required to submit an annual report including: the name and address of each driver, each location where recyclable containers are delivered, and the total amount of refunds paid out and revenue generated from the prior calendar year. Registrants must also ensure that the involved properties be maintained so that roadways, sidewalks and curb areas abutting the property be free from garbage and unwanted recyclable containers. Properties should be maintained to be safe and sanitary to avoid any nuisance or hazardous conditions. Any violators of these reporting and operating requirements would be liable for a civil penalty of \$250 per violation as determined by the ECB.

People using motor vehicles to collect recyclable bulk containers from dealers, distributors or redemption centers are exempt from certain portions of this bill.

Enforcement may be conducted by DSNY, the NYC Police Department, the NYC Department of Consumer Affairs, or the NYC Business Integrity Commission.

Effective Date: This local law shall take effect 120 days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** No impact on revenues is expected. We assume full compliance with the law.

**IMPACT ON EXPENDITURES:** There would be no expenditures generated by the enactment of this legislation as enforcement would continue using existing resources.

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

**SOURCE OF INFORMATION:** Mayor's Office of Legislative Affairs  
Department of Sanitation (DSNY)

**ESTIMATE PREPARED BY:** Kate Seely-Kirk, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** On June 28, 2012, Intro. 893 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On June 29, 2012 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 893-A. on July 23, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 893-A on July 24, 2013.

**DATE SUBMITTED TO COUNCIL:** June 28, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 893-A:)

Int. No. 893-A

By Council Members Recchia, Koo, Koppell, Van Bramer, Lappin, Gennaro, Gentile, Dromm, Jackson and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the acceptance of recyclable containers in bulk using a motor vehicle.**

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-D to read as follows:

**CHAPTER 4-D  
ACCEPTANCE OF RECYCLABLE CONTAINERS IN BULK USING MOTOR  
VEHICLES**

§16-470 Definitions.

§16-471 On-street acceptance or transfer of recyclable containers in bulk.

§16-472 Registration.

§16-473 Reporting requirements.

§16-474 Operating requirements.

§16-475 Exemption.

§16-476 Enforcement.

§16-477 Rulemaking authority.

§16-470 Definitions. As used in this chapter:

"In bulk" means fifty or more recyclable containers;

"Motor vehicle" means any vehicle operated or driven upon a street that is propelled by any power other than human or animal power;

"Owner" means a person, other than a lienholder, having the property in or title to a motor vehicle, including any person entitled to the use and possession of a motor vehicle subject to a security interest by another person and also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days;

"Person" means any individual, firm, corporation or other legal entity;

"Recyclable container" means any bottle, can, jar or other container constructed from glass, metal or plastic that has been designated as a recyclable material pursuant to subdivision b of section 16-305 of this title;

"Street" means any public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, including marginal streets.

§16-471 On-street acceptance or transfer of recyclable containers in bulk. a. It shall be unlawful for any person using a motor vehicle to accept, receive or otherwise collect recyclable containers in bulk from more than one person on or in any street in the city of New York.

b. It shall be unlawful for any person to transfer recyclable containers in bulk from one vehicle to another on or in any street in the city of New York where one or more of the vehicles involved in the transfer has a commercial license plate.

c. This section shall not apply to authorized employees or agents of the city engaged in the collection of solid waste or recyclable materials, persons licensed pursuant to subdivision a of section 16-505 of this code, and persons registered or exempted from registration pursuant to subdivision b of section 16-505 of this code.

d. The owner of any motor vehicle used in violation of this section shall also be liable for any such violation except where such vehicle owner establishes that the motor vehicle was used for purposes of violating the provisions of this section without such vehicle owner's permission.

§16-472 Registration. a. On or after January 1, 2014, no person shall, while using a motor vehicle, accept, receive, transfer from one motor vehicle to another motor vehicle, or otherwise collect recyclable containers in bulk from more than two persons on private property in the city of New York without registering with the department pursuant to the provisions set forth in this section. Any application for registration or for renewal of a registration submitted to the department shall include the following:

i. name and address of each such person and owner of such motor vehicle used for acceptance of recyclable containers in bulk; and

ii. the location, including the street address or nearest street address of the property, and tax block and lot number or numbers if more than one lot, or other information identifying specifically where such motor vehicle will accept recyclable containers in bulk and the name of the owner of such property and a signed certification from such owner approving the use of such property for the purpose of in bulk container acceptance.

b. Such registration shall be conspicuously posted in such motor vehicle.

c. Prior to issuing a registration pursuant to this section, the department shall confirm that any location where a motor vehicle proposes to collect recyclable containers in bulk as specified pursuant to paragraph ii of subdivision a of this section is zoned for such use.

d. The commissioner may establish, by rule, a fee to process applications for registration pursuant to this section.

e. Any registration issued by the department pursuant to this section shall expire one year from its issuance, and may be renewed thereafter. A request for renewal shall be reviewed by the department prior to such expiration of such registration, if such request is submitted to the department no later than forty-five days prior to the expiration of such registration.

§16-473 Reporting requirements. No later than January 31, 2015, and annually thereafter, any person registered pursuant to section 16-472 of this chapter shall submit an annual report to the department. Such report shall include, but not be limited to, the following:

i. the name and address of each operator of the motor vehicle used for acceptance of recyclable containers in bulk;

ii. any change to the information contained in each such operator's registration;

iii. each location where collected recyclable containers are delivered; and

iv. the total amount of refunds paid out and revenue generated, in the aggregate, by the registrant for the prior calendar year pursuant to the registration issued by the department.

§16-474 Operating requirements. Any person registered pursuant to this chapter shall ensure that such person's motor vehicle accepts, receives, transfers from one motor vehicle to another motor vehicle or otherwise collects recyclable containers in bulk from another person on private property in the city of New York only at the location listed in the registration. Such person shall ensure that such property is operated and maintained in a safe and sanitary manner so as to avoid any nuisance or condition hazardous to public health or safety, including ensuring that the roadway, sidewalk and curb area abutting such property where such person operates is kept clean and free from obstruction and nuisances resulting directly from such person's activities, and that the roadway, sidewalk and curb area abutting any such property are free from garbage, refuse, rubbish, litter, debris and other offensive material including, but not limited to, unwanted recyclable containers.

§16-475 Exemption. The provisions of sections 16-471, 16-472, 16-473 and 16-474 of this chapter shall not apply to persons using a motor vehicle to collect or receive recyclable containers in bulk on streets or private property from dealers, distributors or redemption centers as such terms are defined in section 27-1003 of the environmental conservation law.

§16-476 Enforcement. a. Any person who violates section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of one thousand dollars for each such violation.

b. Any person who violates section 16-472 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of five hundred dollars for each such violation.

c. Any person who violates sections 16-473 or 16-474 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of two hundred fifty dollars for each such violation.

d. Any motor vehicle that has been used or is being used to collect recyclable containers in bulk in violation of section 16-471 of this chapter or without registering with the department in violation of section 16-472 of this chapter may be impounded by the department and shall not be released until either all storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner. Rules of the department related to the impoundment and release of motor vehicles in chapter five of title sixteen of the rules of the city of New York shall be applicable to the impoundment and release of motor vehicles pursuant to this paragraph. Where it is determined that the motor vehicle was not used to commit a violation of section 16-471 or 16-472 of this chapter, such fees shall be promptly returned.

e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer affairs and the business integrity commission.

§16-477 Rulemaking authority. The commissioner shall be authorized to promulgate such rules as are necessary to implement the provisions of this chapter.

§ 2. This local law shall take effect one hundred twenty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, prior to such effective date.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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. 894-A

**Report of the Committee on Sanitation and Solid Waste 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 the recovery of refrigerants from appliances.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 28, 2012 (Minutes, page 2618), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 888-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 894-A:)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR

**FISCAL IMPACT STATEMENT**

**INTRO. NO: 894-A**  
**COMMITTEE: Committee on  
Sanitation and Solid Waste  
Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the recovery of refrigerants from appliances.

**SPONSOR(S):** Council Members Recchia, Brewer, Gentile, Koo, Koppell, Rose, Lappin, Levin, Gennaro, Dromm, Palma, Ulrich, and Halloran.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 894-A would amend New York City’s Administrative Code in relation to the recovery of refrigerants from appliances.

This legislation would require that on and after July 1, 2014, original equipment manufacturers would be responsible for the lawful recovery of refrigerants from their appliances that are disposed of by persons or entities in New York City (NYC) that currently receive NYC Department of Sanitation (DSNY) collection. An original equipment manufacturer may elect to (i) establish its own refrigerant recovery program, (ii) participate with original equipment manufacturers in a refrigerant recovery program, or (iii) have its appliances serviced by the DSNY in the refrigerant recovery program that would be established as a result of this law’s passage. For any of these options the point of collection cannot be curbside.

A fee would be determined for the recovery of refrigerants from appliances that are set out for DSNY collection. The original equipment manufacturer would be billed by DSNY based on the number of its appliances that DSNY recovers refrigerants for.

Original equipment manufacturers would have to lawfully recover refrigerants from appliances before the appliances could be disposed of as solid waste in NYC. Any manufacturer caught disposing of equipment without recovering refrigerants would be liable for a civil penalty of \$500 per violation.

The department would be authorized to promulgate such rules as are necessary to implement the provisions of this legislation.

This bill would also establish that if any provision of this local law was adjudged to be unconstitutional or invalid, the judgment would only pertain to the provision directly involved in the controversy. The rest of the legislation would still stand.

**EFFECTIVE DATE:** This local law shall take effect one hundred eighty days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** Reduced spending can be anticipated but it is not yet possible to determine how much. Currently DSNY spends approximately \$1.8 million annually to remove refrigerants. This legislation would result in DSNY spending less on refrigerant collection. Once legislation is passed manufacturers would need to determine whether they will start a collection service or pay DSNY to do the service. Rules would need to be promulgated to determine the fee that DSNY would charge manufacturers.

**IMPACT ON EXPENDITURES:** No impact on expenditures is expected.

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

**SOURCE OF INFORMATION:** Mayor’s Office of Legislative Affairs  
Department of Sanitation (DSNY)

**ESTIMATE PREPARED BY:** Kate Seely-Kirk, Senior Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** On June 28, 2012, Intro. 894 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On June 29, 2012 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 894-A. on July 23, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 894-A on July 24, 2013.

**DATE SUBMITTED TO COUNCIL:** June 28, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 894-A:)

Int. No. 894-A

By Council Members Recchia, Brewer, Gentile, Koo, Koppell, Rose, Lappin, Levin, Gennaro, Dromm, Palma, Van Bramer, Jackson, Williams, Ulrich and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the recovery of refrigerants from appliances.**

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-E to read as follows:

CHAPTER 4-E  
RECOVERY OF REFRIGERANTS

- § 16-480 Definitions.
- § 16-481 Original equipment manufacturer responsibility for recovery.
- § 16-482 Department refrigerant recovery program.
- § 16-483 Improper disposal of appliances.
- § 16-484 Enforcement.

§ 16-485 Rulemaking authority.  
§ 16-486 Severability.

§16-480 Definitions. As used in this chapter:

“Appliance” means any device that contains refrigerants and can be used for household purposes including, but not limited to, room air conditioners, refrigerators, water coolers, or freezers.

“Original equipment manufacturer” means (1) a person or entity whose brand name appears on an appliance sold, offered for sale or distributed in the city or (2) a person or entity who manufactures or has manufactured an appliance sold, offered for sale or distributed in the city.

“Recover” or “recovery” means to remove refrigerants from an appliance in such a way that the refrigerants are not released into the atmosphere pursuant to subpart F of part 82 of title 40 of the code of federal regulations.

“Refrigerants” means any substances consisting in whole or in part of a class I or class II ozone-depleting substance, which are used for heat transfer purposes and provide a cooling effect, including, but not limited, to chlorofluorocarbons, hydro-chlorofluorocarbons, or any other substitute substance as may be defined by the United States environmental protection agency. A class I or class II ozone-depleting substance shall be those substances as defined by the United States environmental protection agency in section 602 of the United States clean air act. A “substitute substance” shall be any environmental protection agency approved replacement for a class I or II ozone-depleting substance in a refrigeration or air-conditioning end-use.

“Residential generator” means any person, entity, agency, or institution in the city of New York that receives solid waste or recycling collection service from the department.

“Room air conditioner” means any electrical appliance that has a compressor, a condenser, an evaporator and a fan to cool and dehumidify the surrounding air and that is capable in ordinary usage of being mounted in a window or through a wall.

“Serviced by the department” means the recovery of refrigerants by the department from appliances that are set out for department collection in the city of New York.

§16-481 Original equipment manufacturer responsibility for recovery. a. On and after July first, two thousand fourteen, original equipment manufacturers shall be responsible for the lawful recovery of refrigerants from their appliances that are disposed of by residential generators.

b. An original equipment manufacturer may elect to (i) establish its own refrigerant recovery program, (ii) participate with other original equipment manufacturers in a refrigerant recovery program, or (iii) have its appliances serviced by the department in the refrigerant recovery program provided pursuant to section 16-482 of this chapter. No program established pursuant to paragraph one or two of this subdivision may include curbside collection of appliances.

§16-482 Department refrigerant recovery program. a. The department shall provide a program for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.

b. The department shall establish, by rule, a fee for the recovery of refrigerants from appliances that are set out for department collection in the city of New York.

c. An original equipment manufacturer whose appliance is serviced by the department shall be billed by the department and shall be responsible for the payment of the fee established by the department for the recovery of refrigerants.

§16-483 Improper disposal of appliances. No original equipment manufacturer or its agent shall dispose of an appliance as solid waste in the city unless arrangements have been made for the lawful recovery of refrigerants.

§16-484 Enforcement. a. The department shall have the authority to enforce the provisions of this chapter.

b. Any original equipment manufacturer or agent of such manufacturer who violates section 16-483 of this chapter shall be liable for a civil penalty of five hundred dollars for each violation.

§16-485 Rulemaking authority. The department shall be authorized to promulgate such rules as are necessary to implement the provisions of this chapter, including but not limited to rules relating to reporting by original equipment manufacturers and registration with the department by such manufacturers, which registration may require the submission of information related to such manufacturers’ refrigerant recovery programs, if any, and establishing penalties for violations of such rules.

§16-486 Severability. If any provision of this local law shall be adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment shall have been rendered.

§ 2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of sanitation shall take such actions as are necessary for its implementation, including promulgation of rules, prior to such effective date.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; July 23, 2013.

On motion of the Speaker (Council Member Quinn), 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 Quinn) announced that the following items had been **preconsidered** by the Committee on Sanitation and Solid Waste Management and had been favorably reported for adoption.

Report for Preconsidered Res. No. 1867

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 888-A, Proposed Int. No. 889-A, Proposed Int. No. 893-A, and Proposed Int. No. 894-A.**

The Committee on Sanitation and Solid Waste Management, to which the annexed resolution was referred on July 24, 2013, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int No. 888-A 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)**

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; July 23, 2013.

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

#### GENERAL ORDER CALENDAR

Report for L.U. No. 847 & Res. No. 1887

**Report of the Committee on Land Use in favor of approving Application No. N 130137 ZRM submitted by MSG Holdings, L.P. pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District), to facilitate the continued use and operation of Madison Square Garden in the Borough of Manhattan, Community District 5, Council District 3.**

The Committee on Land Use, to which the annexed resolution was referred on June 12, 2013 (Minutes, page 1983), and originally before the Council on June 26, 201, (Minutes, page 2616) respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB - 5

N 130137 ZRM

City Planning Commission decision approving an application submitted by MSG Holding, L.P., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District).

**INTENT**

This amendment to the Zoning Resolution in conjunction with the related actions would allow an arena with a capacity in excess of 2,500 seats and facilitate the continued use and operation of Madison Square Garden in Manhattan's Community District 5.

**PUBLIC HEARING**

**DATE:** June 19, 2013

**Witnesses in Favor:** Twenty      **Witnesses Against:** Fifteen

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 26, 2013

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

**In Favor:** Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Ignizio

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** June 26, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

**Against:** Barron

**Abstain:** *None*

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The Committee's proposed modifications were filed with the City Planning Commission on June 27, 2013. The City Planning Commission filed a letter dated July 9, 2013, with the Council on July 10, 2013, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1887

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 130137 ZRM (L.U. No. 847), for an amendment of the Zoning Resolution of the City of New York, concerning Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on May 28, 2013 its decision dated May 22, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by MSG Holdings, L.P. ("MSG"), for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District), which along with the related actions would facilitate the continued use and operation of Madison Square Garden (the "Arena") (Application No. N 130137 ZRM), Community District 5, Borough of Manhattan (the "Application");

**WHEREAS,** the Application is related to applications C 130139 ZSM (L.U. No. 848), a special permit pursuant to Section 74-41, to allow an arena, auditorium, stadium or trade exposition facility with a capacity in excess of 2,500 seats; and C 130140 ZSM (L.U. No. 849), a special permit pursuant to Section 93-171, as proposed, to modify the sign regulations applicable to the Arena;

**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 June 19, 2013;

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

**WHEREAS,** the Council has considered the relevant environmental issues including the revised negative declaration (CEQR No. 13DCP053M) dated May 22, 2013 and further revised as of July 3, 2013 (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated July 2, 2013 (the "CEQR Technical Memorandum");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130137 ZRM, and incorporated by reference herein, the Council approves the Decision with modifications.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

Matter in **bolded double underline** is new, added by the City Council;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**ARTICLE III****COMMERCIAL DISTRICT REGULATIONS**

\* \* \*

**Chapter 7****Urban Design Regulations**

\* \* \*

**37-625****Design changes**

Except as otherwise provided in Section 74-41, dDesign changes to existing #plaza#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

\* \* \*

**ARTICLE VII****ADMINISTRATION**

\* \* \*

**Chapter 4****Special Permits by the City Planning Commission**

\* \* \*

**74-41****Arenas, Auditoriums, Stadiums or Trade Expositions**

In C4, C6, C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

\* \* \*

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium, or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the Special Hudson Yards District, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Sections 37-70, inclusive, shall not apply to such #plazas#.

\* \* \*

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

\* \* \*

Chapter 3
Special Hudson Yards District

\* \* \*

93-17
Modification of Sign Regulations

(a) Subdistricts A, B, C, D, and E

Within Subdistricts A, B, C, D, and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-171 (Special permit for signs within the Pennsylvania Station Subarea) shall apply.

\* \* \*

93-171
Special permit for signs within the Pennsylvania Station Subarea

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#: 32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets#; and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

- (1) No #sign# shall extend to a height greater than 85 feet above #curb level#;
(2) All #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4, and 850 square feet on the Eighth Avenue frontage of Subarea B4;
(3) All #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

(b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

\* \* \*

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, June 26, 2013.

On motion of the Speaker (Council Member Quinn), 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. 848 & Res. No. 1888

Report of the Committee on Land Use in favor of approving Application No. C 130139 ZSM submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena of approximately 22,000 seats on the property located at 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a voted of the Council pursuant to 197-d(b)(3) of the Charter.

The Committee on Land Use, to which the annexed resolution was referred on June 12, 2013 (Minutes, page 1983), and originally before the Council on June 26, 201, (Minutes, page 2618) respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 130139 ZSM

City Planning Commission decision approving an application submitted by MSG Holdings, L.P., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building on property located at 3-10 Penn Plaza (Blocks 781, Lots 1, 2 and 10) in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District.

INTENT

This special permit, along with the related actions, would facilitate the continued use and operation of Madison Square Garden in Manhattan's Community District 5. Also, the related amendment to the Zoning Resolution would allow an arena with a capacity in excess of 2,500 seats ("MSG").

PUBLIC HEARING

DATE: June 19, 2013

Witnesses in Favor: Twenty

Witnesses Against: Fifteen

SUBCOMMITTEE RECOMMENDATION

DATE: June 26, 2013

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

**In Favor:** Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Ignizio

**Against:** None

**Abstain:** None

COMMITTEE ACTION

DATE: June 26, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

**Against:** Barron

**Abstain:** None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on June 27, 2013. The City Planning Commission filed a letter dated July 9, 2013, with the Council on July 10, 2013, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1888

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 130139 ZSM (L.U. No. 848), for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution of the City of New York to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District, Borough of Manhattan.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 28, 2013 its decision dated May 22, 2013 (the "Decision"), on the application submitted by MSG Holdings, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Sections 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building (the "Arena") on property located at 3-10 Penn Plaza (Blocks 781, Lots 1, 2 and 10) in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District (ULURP No. C 130139 ZSM), Community District 5, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to applications N 130137 ZRM (L.U. No. 847), a zoning text amendment to Sections 37-625 and 74-41 regarding pedestrian-accessible open areas, and Section 93-17 to create a special permit pursuant to new Section 93-171 by which sign regulations applicable within Pennsylvania Station Subarea B4 of the Special Hudson Yards District may be modified; and C 130140 ZSM (L.U. No. 849), a special permit pursuant to Section 93-171, as proposed, to modify the sign regulations applicable to the Arena;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Sections 74-41 and 74-31(a) of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 19, 2013;

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

**WHEREAS**, the Council has considered the relevant environmental issues including the revised negative declaration (CEQR No. 13DCP053M) dated May 22, 2013 and further revised as of July 3, 2013 (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated July 2, 2013 (the "CEQR Technical Memorandum");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130139 ZSM, and incorporated by reference herein, the Council approves the Decision with modifications and subject to the following conditions:

Matter in ~~strikeout~~ is deleted by the City Council;

Matter in **bold double underlined** is added by the City Council.

- The property that is the subject of this application (C 130139 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Brisbin Brook Beynon, Architects and Matthews Nielsen Landscape Architects, PC filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Zoning Computations	May 22, 2013
Z-2	Site Plan	May 22, 2013
Z-3	Level 1/Street Level Plan	May 22, 2013
Z-4	Level 2/MSG Lobby Level Plan	May 22, 2013
Z-5	Level 3/Mezzanine Level Plan	December 11, 2012
Z-6	Level 4/Technical Level Plan	December 11, 2012
Z-7	Level 5/Event Level Plan	December 11, 2012
Z-8	Level 6/Lower Concourse Level Plan	December 11, 2012
Z-9	Level 7/Lower Level Suite Plan	December 11, 2012
Z-10	Level 8/Upper Concourse Plan	December 11, 2012
Z-11	Level 9/Upper Suite Plan	December 11, 2012
Z-12	Level 10/Upper Bowl Plan	December 11, 2012
Z-13	Longitudinal Section	May 22, 2013
Z-14	Plaza Computations	December 11, 2012
L-1	Open Area Subject to Special Permit	May 22, 2013
L-2	Open Area Plan	<del>May 22, 2013</del> <b><u>June 24, 2013</u></b>
L-3	Open Space Details	<del>May 22, 2013</del> <b><u>June 24, 2013</u></b>
L-4	Open Space Details	<del>May 22, 2013</del> <b><u>June 24, 2013</u></b>

- Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

7. This permit shall expire ~~fifteen (15)~~ **ten (10)** years following the effective date hereof, ~~(the "Expiration Date")~~:

A. ~~PROVIDED~~, that the Expiration Date shall not apply if:

~~(i) Relevant City, State and Federal agencies and instrumentalities thereof and MSG Holdings, LP. or a successor entity thereto ("MSG") (collectively, the "Parties"), have entered into agreements providing for the implementation of a plan for the redevelopment of Penn Station and, in connection therewith, the relocation of Madison Square Garden; and~~

~~(ii) the Parties, prior to the Expiration Date, have jointly advised the Director of the Department of City Planning (the "Director") that, pursuant to an agreed upon timetable for implementation of such agreements, the relocation of Madison Square Garden to a new location is anticipated to be completed upon a date subsequent to the Expiration Date, in which event this permit shall continue in effect and shall not expire until a date jointly identified by the Parties to the Director as necessary to facilitate such relocation (the "Relocation Date").~~

~~In the event that Madison Square Garden has not relocated to another location by the Relocation Date, this permit shall expire unless the Parties have, prior to the Relocation Date, certified to the Director that relocation of Madison Square Garden remains reasonably foreseeable pursuant to agreements entered into for such purpose, in which case this permit shall continue in effect and shall not expire until a further date determined by the Director, in consultation with the Parties, as necessary to facilitate such Relocation (the "Adjusted Relocation Date"). In the event that Madison Square Garden is not relocated by the Adjusted Relocation Date, this permit shall expire as of such date; and~~

B. ~~PROVIDED FURTHER~~, that in the event Subparagraph (A) does not apply, the Expiration Date shall not apply if:

~~(i) prior to such Expiration Date, AMTRAK, Long Island Railroad, and New Jersey Transit, or successor entities thereto, as such parties may be necessary for the purpose hereof (the "Railroad Entities") and MSG have entered into an agreement (the "Improvement Agreement") which: (a) is entered into for the purpose of facilitating the construction, maintenance and operation of at grade transit improvements by the Railroad Entities, such as new stairways, elevators, and escalators, having points of entry and exit located in and around the Subject Property, and which (xx) enhance public access to Penn Station, as well as the visual identity of the Subject Property as the site of Penn Station; (yy) add forms of ADA access to Penn Station; and (zz) promote greater achievement of National Fire Protection Association Standards governing the safe evacuation of passengers from platforms and stations (the "Improvements"); (b) provides for the grant of easements and/or other user rights to the Railroad Entities as and to the extent necessary for the Improvements; (c) provides members of the public with a right of passage to and from the Improvements; (d) includes a site plan and description of the potential type(s) of Improvement(s) at each location on the Subject Property; and (e) includes provisions requiring notification to and the consent of the City of New York for the termination of the Improvement Agreement or any waiver of surrender of an easement or right or user provided for therein. Nothing herein shall be construed as requiring that the Improvement Agreement include provisions by which easements or other user rights shall be offered by MSG at less than fair market value, or that MSG shall be responsible for the costs of constructing, operating or maintaining the Improvements. No later than the fifth, tenth, and thirteenth anniversaries of the effective date of this permit, MSG shall advise the Department, in writing, of the status of discussions regarding an~~

~~Improvement Agreement, provided that this shall not apply in the event that the Parties are actively pursuing agreements pursuant to Subparagraph (A). The Department may thereupon request further information from MSG and may seek comparable information from the Railroad entities;~~

~~(ii) duly authorized officers or employees of the Railroad Entities and MSG jointly certify to the Director in writing, that: (a) the Improvement Agreement facilitates the purpose set forth in Subparagraph (i)(a) above and includes all provisions described in Subparagraph (i)(b)(c)(d) and (e) above; (b) the Railroad Entities have obtained all public approvals required pursuant to statute or regulation for the Improvement Agreement to be implemented; (c) the Improvement Agreement has been duly authorized by authorized representatives of all signatory parties and has been fully executed and delivered; (d) the Improvement Agreement provided to the Director is a true, correct and complete copy thereof; and (e) the grants of easements and/or other user rights set forth in the Improvement Agreement are binding and enforceable in all respects, subject only to conditions pertaining to the exercise thereof by the Railroad Entities and provided that such grants may be made effective upon receipt of notification from the Director pursuant to Subparagraph (iv) below. Such certification shall be accompanied by statements by the Railroad Entities: (xx) describing the benefits to passenger access to and egress from Penn Station expected to be achieved through the Improvements, the amount of funding currently authorized for the Improvements, as well as future amounts required and requested, and the anticipated construction timetable; and (yy) summarizing the content of public comments received during the public approval process, and any modifications to plans or agreement made in response thereto;~~

~~(iii) MSG has submitted amended special permit site plan drawings in a form acceptable to the Department that show (a) easement areas or areas for exercise of similar user rights provided to the Railroad Entities for the purpose of the Improvements pursuant to the Improvement Agreement; and (b) a permanent loading arrangement for the arena and theater that (xx) does not require use of the easement areas or areas for exercise of similar user rights; (yy) eliminates or significantly reduces the loading and unloading of trucks for the theater at the plaza located on 8<sup>th</sup> Avenue and 31<sup>st</sup> Street, and does not impede the potential for Improvements in and around that location; and (zz) eliminates the loading and unloading of trucks upon all or part of West 33<sup>rd</sup> Street, between Seventh and Eighth Avenues or, if loading operations are relocated such that truck entry is at 31<sup>st</sup> Street or a proximate location, provides that the loading and unloading of trucks will not take place on West 31<sup>st</sup> Street, between Seventh and Eighth Avenues. Such site plan drawings shall be accompanied by a statement by MSG describing the loading sequence under the permanent loading arrangement, thereby committing MSG to implementation of the revised loading arrangements; and~~

~~(iv) The Director notifies the Parties in writing that the conditions of Subparagraphs (ii) and (iii) above have been satisfied. Within thirty (30) days following receipt of a submission made by the Parties to satisfy the requirements of Subparagraphs (ii) and (iii) above, the Director shall either: (a) provide such notification; or (b) identify, in writing, the provisions of Subparagraph (ii) or (iii) which are not satisfied. The Director shall review any revised submission pursuant to the provisions of this Subparagraph (iv). The determination of the Director shall be final, and no other reviews, determinations or approvals shall be required. The Director shall provide copies of a notification made pursuant to the provisions of this Subparagraph that the conditions of Subparagraphs (ii) and (iii) above have been satisfied, together with copies of all documents submitted by the Parties upon which such notification is based, to the Commission, the Office of the Mayor, and the Speaker of the Council.~~

~~(v) Notwithstanding the provisions of Subparagraphs (ii) and (iii) to the contrary, in the event that, as of the Expiration Date, the Improvement Agreement remains subject to a public approval required pursuant to statute or regulation in order for it to become effective and be implemented by a Railroad Entity, the Railroad Entities and MSG may, prior to the Expiration Date, jointly request to the Director that the Expiration Date be extended for a period not to exceed two (2) years in order to allow for completion of the public approval process, in which event this permit shall continue in effect and shall not expire until the date jointly identified to the Director (the "Adjusted Expiration Date").~~

~~In the event this permit expires at the Expiration Date, the Adjusted Relocation Date, or the Adjusted Expiration Date, a new special permit shall be required. The review of any application for a new special permit shall be for the purpose of a reappraisal, based on the facts and circumstances as they exist as at the time of application, of whether the findings applicable to use of the Subject Premises as an Arena under the Zoning Resolution are met and to consider the imposition of conditions upon such permit as the Commission may deem necessary or appropriate for such purpose. In order to satisfy the findings of Section 74-31(a) of the Zoning Resolution or any successor provision thereto, such conditions may include a requirement to: (i) offer easements and/or other user rights to the~~

~~Railroad Entities for the purpose of facilitating the construction, maintenance and operation of at grade transit improvements by the Railroad Entities, such as new stairways, elevators, and escalators, having points of entry and exit located in and around the Subject Property, and which (a) enhance public access to Penn Station; (b) add forms of ADA access to Penn Station; and (c) promote greater achievement of National Fire Protection Association Standards, or successor standards thereto, governing the safe evacuation of passengers from platforms and stations; and (ii) provide a permanent loading arrangement for the arena and theater that: (a) does not require use of the easement areas or areas for exercise of similar user rights; (b) eliminates or significantly reduces the loading and unloading of trucks for the theater at the plaza located on 8<sup>th</sup> Avenue and 31<sup>st</sup> Street, and does not impede the potential for at grade transit improvements in and around that location; and (c) eliminates the loading and unloading of trucks upon public streets, provided that nothing herein shall be construed as requiring that such easements or other user rights be provided at less than fair market value, as determined by a method acceptable to the Commission, or that MSG shall be responsible for the costs of constructing, operating or maintaining at grade transit improvements. Nothing herein shall be construed to preclude or limit the Commission, in granting a new special permit pursuant to the provisions of the Zoning Resolution following the Expiration Date, the Adjusted Relocation Date, or the Adjusted Expiration Date, from granting such permit subject to a term of years in accordance with the provisions of Section 74-31(e), or any successor provision thereto, in order to allow for a further reappraisal of whether the findings applicable to use of the Subject Premises as an Arena under the Zoning Resolution are met or to impose such conditions upon such permit as the Commission may deem necessary or appropriate for such purpose.~~

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, June 26, 2013.

On motion of the Speaker (Council Member Quinn), 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. 849 & Res. No. 1889

**Report of the Committee on Land Use in favor of approving Application No. C 130140 ZSM submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to modify applicable provisions of the Zoning Resolution to allow advertising signs, allow an increase in surface area, and to allow signs above the maximum permitted height, for an arena located at 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a voted of the Council pursuant to 197-d(b)(3) of the Charter.**

The Committee on Land Use, to which the annexed resolution was referred on June 12, 2013 (Minutes, page 1984), and originally before the Council on June 26, 201, (Minutes, page 2620) respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB - 5

C 130140 ZSM

City Planning Commission decision approving an application submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to modify the applicable provisions of Section 32-63 (Permitted Advertising Signs) to allow advertising signs, to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increase in surface area, and to modify the applicable provisions of Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Section 74-41, on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District.

#### INTENT

This special permit, along with the related actions, would facilitate the continued use and operation of Madison Square Garden in Manhattan's Community District 5.

#### PUBLIC HEARING

DATE: June 19, 2013

Witnesses in Favor: Twenty Witnesses Against: Fifteen

#### SUBCOMMITTEE RECOMMENDATION

DATE: June 26, 2013

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

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Ignizio

Against: None

Abstain: None

#### COMMITTEE ACTION

DATE: June 26, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: Barron

Abstain: None

#### FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on June 27, 2013. The City Planning Commission filed a letter dated July 9, 2013, with the Council on July 10, 2013, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1889

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 130140 ZSM (L.U. No. 849), for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to modify the applicable provisions of Section 32-63 (Permitted Advertising Signs) to allow advertising signs, to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increase in surface area, and to modify the applicable provisions of Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Section 74-41, on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District, Borough of Manhattan.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 28, 2013 its decision dated May 22, 2013 (the "Decision"), on the application submitted by MSG Holdings, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to modify the applicable provisions of

Section 32-63 (Permitted Advertising Signs) to allow advertising signs, to modify the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions) to allow an increase in surface area, and to modify the applicable provisions of Section 32-65 (Permitted Projection or Height of Signs) to allow signs above the maximum permitted height, for a proposed arena permitted pursuant to Section 74-41 and 74-31(a), on property located at 3-10 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District (ULURP No. C 130140 ZSM), Community District 5, Borough of Manhattan (the "Application");

**WHEREAS**, the application is related to Applications N 130137 ZRM (L.U. No. 847), a zoning text amendment to Sections 37-625 and 74-41 regarding pedestrian-accessible open areas, and Section 93-17 to create a special permit pursuant to new Section 93-171 by which sign regulations applicable within Pennsylvania Station Subarea B4 of the Special Hudson Yards District may be modified; and N 130139 ZSM (L.U. No. 848), a special permit pursuant to Section 74-41, to allow an arena, auditorium, stadium or trade exposition facility with a capacity in excess of 2,500 seats;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 93-171 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 19, 2013;

**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 and the revised negative declaration (CEQR No. 13DCP053M) dated May 22, 2013 and further revised as of July 3, 2013 (the "Revised Negative Declaration") and the CEQR Technical Memorandum dated July 2, 2013 (the "CEQR Technical Memorandum");

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130140 ZSM, and incorporated by reference herein, the Council approves the Decision with modifications and subject to the following conditions:

- Matter in ~~strikeout~~ is deleted by the City Council;
- Matter in **bold double underlined** is added by the City Council.

1. The property that is the subject of this application (C 130140 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Brisbin Brook Beynon, Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
SG.1	8 <sup>th</sup> Avenue Façade Proposed Signage	May 22, 2013
	<b><u>Proposed Signage Site Plan</u></b>	<b><u>June 25, 2013</u></b>
SG.2	8 <sup>th</sup> Avenue Façade Proposed Signage	May 22, 2013
	<b><u>Proposed Signage Elevations</u></b>	<b><u>June 25, 2013</u></b>

2. ~~No sign permit may be granted for the MSG signs on Tower B and Tower C shown on Drawing SG.2, and such signs may not be installed, unless Penn Station / Railroad signage has been installed within the areas above the existing canopy which are both 58 feet wide by 11.5 feet high, beginning 15.5 feet above the curb line (the "Additional Penn Station Sign Areas"). Notwithstanding the foregoing, such MSG signs may be installed and the dimensions thereof increased to include the Additional Penn Station Sign Areas, provided that: (a) AMTRAK has consented thereto and, pursuant to an agreement between MSG and AMTRAK, all sign copy or display with the portions of the MSG signs located within the Additional Penn Station Sign Areas is for the purposes of Penn Station identification, AMTRAK, or the other Railroads operating at Penn Station; (b) a copy of such agreement is provided to the Chair; and (c) the Chair certifies to the Department of Buildings that~~

~~such signs may be installed in accordance with this provision. **Signs installed above a height of 12 feet above curb level may display advertising content, limited to the advertising of the businesses, brands, products, assets and services (collectively, "Business") of the arena owner or operator, its subsidiaries and affiliates (collectively, "Owner"), and the Business of any Sponsor. For purposes of the preceding sentence, a "Sponsor" is defined as an entity that has a contractual sponsorship relationship with the Owner. A Sponsor does not include unrelated third parties without such a relationship. No other advertising signs shall be permitted.**~~

In advance of Owner utilizing any signs for the Business of Sponsors, Owner shall provide the "Designated Parties" (as defined below) with a list of all Sponsors that Owner anticipates may be promoted on the signs during the coming year (the "Sponsorship List"). Owner shall provide to the Designated Parties an updated Sponsorship List each January 15 thereafter. Owner, upon request of DOB, shall provide to DOB evidence of the contractual sponsorship relationship with Owner with respect to any Sponsor that is promoted on the signs and is not yet listed on the Sponsorship List.

The "Designated Parties" shall be the New York City Department of Buildings, the local NYC Councilmember, Community Board 5 and Community Board 4.

3. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

4. Such development shall conform to all applicable laws and regulations relating to it construction, operation and maintenance.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, June 26, 2013.

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

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

Name	Address	District #	Name	Address	District #
Bradhangely Angeles	25 Nagel Avenue #4A New York, N.Y. 10040	10	Grace Cemma Sanginito	1661 Bogart Avenue Bronx, N.Y. 10462	13
Jocelyn Surinach	145 Nagel Avenue #2F New York, N.Y. 10040	10	Camella Price	875 Morrison Avenue #13H Bronx, N.Y. 10473	16
Daniel Ruiz	3445 Holland Avenue #2E Bronx, N.Y. 10467	12	Belkis Perez	250 Homer Avenue #2 Bronx, N.Y. 10465	18
Edward DeJesus	2719 Morris Avenue #1C Bronx, N.Y. 10468	15	Rosetta M. Ackerman	154-17A Riverside Drive Queens, N.Y. 11357	19
Melissa Maldonado	2075 Walton Avenue #1A Bronx, N.Y. 10453	16	George Mihaltses	220-31 43 <sup>rd</sup> Avenue Bayside, N.Y. 11361	19
Daily Duran	135-16 Liberty Avenue Richmond Hill, N.Y. 11419	28	Maryann Bagarella	27-08 Ditmars Blvd Queens, N.Y. 11105	22
Rhodney Edouard	225-15 137 <sup>th</sup> Avenue Queens, N.Y. 11413	31	John Livadaros	21-20 30 <sup>th</sup> Avenue Queens, N.Y. 11102	22
Claritza Miranda	68-10 Beach Channel Drive Queens, N.Y. 11692	31	Lila Goldstein	271-10 Grand Central Parkway #12F Floral Park, N.Y. 11005	23
Kieveth E. Stewart	144-37 181 <sup>st</sup> Street Queens, N.Y. 11413	31	Sudhakar Ramnauth	89-39 210 <sup>th</sup> Street Queens, N.Y. 11427	23
Barbara Marie Cappello	134-16 Sitka Street Ozone Park, N.Y. 11417	32	Althea Elaine Barnes	70-02 Parsons Blvd #6B Queens, N.Y. 11365	24
Oneida Garcia	86-21 102nd Road Queens, N.Y. 11416	32	Darren Gooding	65-59 Parsons Blvd #2 Queens, N.Y. 11365	24
Vanessa Mena	930 Hart Street #3L Brooklyn, N.Y. 11237	37	Michael E. Velazquez	86-45 St. James Avenue #2F Queens, N.Y. 11373	25
Catherine Twigg	268 Himrod Street #3L Brooklyn, N.Y. 11237	37	Margaret Fitzgibbon	39-61 48 <sup>th</sup> Street Queens, N.Y. 11104	26
Raquel Velasquez	15 Roe Street Staten Island, N.Y. 10310	49	Erica N. Coleman	175-09 Sayres Avenue Jamaica, N.Y. 11433	27
Joanne Coudakis	271 Maybury Avenue Staten Island, N.Y. 10308	51	Athenia A. Parks	188-24 Williamson Avenue Queens, N.Y. 11413	27
Veronica Esposito	861 Rensselaer Avenue Staten Island, N.Y. 10309	51	Monica Watson	102 06 213 <sup>th</sup> Street Queens, N.Y. 11429	27
Lori Jakubowski	59 Ackerman Street Staten Island, N.Y. 10308	51	David Horn	100-26 67 <sup>th</sup> Road #2E Forest Hills, N.Y. 11375	29
Susan Martini	57 Winding Woods Loop Staten Island, N.Y. 10307	51	Christine Gambina	2139 Menahan Street #3 Ridgewood, N.Y. 11385	30

*Approved New Applicants and Reapplicants*

Name	Address	District #	Name	Address	District #
Nydia Gonzalez	711 FDR Drive #13H New York, N.Y. 10009	2	Robert George	82-31 62 <sup>nd</sup> Avenue Queens, N.Y. 11379	30
Gloria Dorfman	500 East 77 <sup>th</sup> Street #306 New York, N.Y. 10162	5	Estelle Karker	601 Fairview Avenue Ridgewood, N.Y. 11385	30
Gregory Joss	401 East 62 <sup>nd</sup> Street #5B New York, N.Y. 10065	5	Tavita Srikishun-Sukhnandan	89-02 107 <sup>th</sup> Street Queens, N.Y. 11418	30
Alexander Whitehall Stephens	401 East 86 <sup>th</sup> Street #5A New York, N.Y. 10028	5	Cadyann Parris-David	145-64 158 <sup>th</sup> Street Springfield Gardens, N.Y. 11434	31
Melicia Blakney	95 Old Broadway #9J New York, N.Y. 10027	7	John. Bil	103 East 9 <sup>th</sup> Road Broad Channel, N.Y. 11693	32
Kylea Choice	1430 Amsterdam Avenue #10J New York, N.Y. 10027	7	Caroline Hernandez	156-12 77 <sup>th</sup> Street Howard Beach, N.Y. 11414	32
Rasheen Odom	4 East 107 <sup>th</sup> Street #10G New York, N.Y. 10029	8	Alex C. Pangilinan	78-16 151 <sup>st</sup> Avenue #2 Howard Beach, N.Y. 11414	32
Dolores Eaton	8 West 11 <sup>th</sup> Street #18B New York, N.Y. 10026	9	Rashes Bakth	1720 Gates Avenue Queens, N.Y. 11385	34
Jalitzza Poveda	2949 8 <sup>th</sup> Avenue #3D New York, N.Y. 10039	9	Frances Gardner	91 Boerum Street #16R Brooklyn, N.Y. 11206	34
Donna Williams	2611 8 <sup>th</sup> Avenue #1D New York, N.Y. 10030	9	Matthew Perna	180 Maspeth Avenue #2F Brooklyn, N.Y. 11211	34
Elvira Acosta	60 Knolls Crescent #8B Bronx, N.Y. 10463	11	Ollie B. Ross	31 Leonard Street #10A Brooklyn, N.Y. 11206	34
George Airday	5720 Mosholu Avenue Bronx, N.Y. 10471	11	Amy Tam	659 Onderdonk Avenue #1R Brooklyn, N.Y. 11385	34
Ana G. Rodriguez	357 East 201 <sup>st</sup> Street #5E Bronx, N.Y. 10458	11	Myra Cecilio	16 Fleet Walk #3C Brooklyn, N.Y. 11201	34
Jacqueline Mason	15-B Debs Place Bronx, N.Y. 10475	12	Claudette Fraser	157 Madison Street #1 Brooklyn, N.Y. 11216	36
			Shivonne Marrow	601 Marcy Avenue #4A Brooklyn, N.Y. 11206	36
			Dilisa Aybar	117 Chestnut Street #2 Brooklyn, N.Y. 11208	37
			John E. Noel	115 Ashland Place #15C Brooklyn, N.Y. 11201	37
			Marie D. Pearson	89 Christopher Avenue #8D Brooklyn, N.Y. 11212	37

Jocelyn Gillot	1902 Cortelyou Road #3A Brooklyn, N.Y. 11226	40	(7)	Int 1064 -	certain emergency events. Transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.
Stacey Elise Jackson	2316 Bedford Avenue #2R Brooklyn, N.Y. 11226	40			
Princess F. Belgrave	326 Marion Street Brooklyn, N.Y. 11233	41	(8)	Int 1065-A -	Creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after certain emergency events.
Yhecenia Esbri	647 Howard Avenue #3F Brooklyn, N.Y. 11212	41			
Linda Rhodes	92 East 46 <sup>th</sup> Street Brooklyn, N.Y. 11203	41	(9)	Int 1069-A -	Food and water access plan in response to certain emergency events.
Janice A. Walker	249 Thomas S. Boyland Street #19M Brooklyn, N.Y. 11233	41	(10)	Int 1070-A -	Sheltering plan in response to certain emergency events.
Tara Chester	443 Amber Street #3 Brooklyn, N.Y. 11208	42	(11)	Int 1072-A -	Small business and non-profit organization recovery plan in response to emergency events.
Moses Samuel Williams	750 Bradford Street Brooklyn, N.Y. 11207	42	(12)	Int 1075-A -	Requiring the commissioner of the office of emergency management to review or update plans for responding to certain emergency events and to report to the council thereon.
Nancy LaBella	7003 Ridgecrest Terrace Brooklyn, N.Y. 11209	43			
Annes Castillo	942 East 37 <sup>th</sup> Street Brooklyn, N.Y. 11210	45	(13)	Int 1076-A -	Traffic management plan in response to certain emergency events.
Maxeen DouWas	526 East 42 <sup>nd</sup> Street Brooklyn, N.Y. 11203	45	(14)	Int 1077-A -	Fuel management plan in response to certain emergency events.
Beverly Garcia	815 East 37 <sup>th</sup> Street Brooklyn, N.Y. 11210	45	(15)	Int 1120 -	Rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.
Marion Y. Callender	1504 East 54 <sup>th</sup> Street Brooklyn, N.Y. 11234	46			
Gloria J. Jones	1199 East 53 <sup>rd</sup> Street #3K Brooklyn, N.Y. 11234	46	(16)	Res 1867 -	Setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 888-A, Proposed Int. No. 889-A, Proposed Int. No. 893-A, and Proposed Int. No. 894-A.
Ellen Kogan	2601 Emmons Avenue #1A Brooklyn, N.Y. 11235	46			
Lorraine A. Witzak	32 Cunard Place Staten Island, N.Y. 10304	49	(17)	Res 1870 -	Designation of funding in the Expense Budget ( <b>Transparency Resolution</b> ).
Paul J. Bosco	367 Hamden Avenue Staten Island, N.Y. 10306	50	(18)	L.U. 842 & Res 1874 -	App. <b>20135677 HAM</b> , 2353 2nd Avenue, Borough of Manhattan, Community Board 11, Council District 8.
Grace Catrama	132 Jerome Road Staten Island, N.Y. 10305	50			
Maria Matera	786 Olympia Blvd Staten Island, N.Y. 10305	50	(19)	L.U. 847 & Res 1887 -	App. N <b>130137 ZRM</b> , amendment to the Zoning Resolution, relating to Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District), to facilitate the continued use and operation of Madison Square Garden in the Borough of Manhattan, Community District 5, Council District 3.
Dorothy A. Oliva	73 Columbus Avenue Staten Island, N.Y. 10304	50			
Marietta M. Cirillo	496 Alverson Avenue Staten Island, N.Y. 10309	51			
Rosemary A. Costa	42 Greaves Avenue Staten Island, N.Y. 10308	51			
Cesare Guaquinto	232 Bayview Avenue Staten Island, N.Y. 10309	51	(20)	L.U. 848 & Res 1888 -	App. C <b>130139 ZSM</b> 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3.
Carla Giordano	26 Cortelyou Avenue Staten Island, N.Y. 10312	51			
Anne R. McDonough	1947 North Railroad Avenue Staten Island, N.Y. 10306	51			
Joann Otterback	515 Barclay Avenue Staten Island, N.Y. 10312	51	(21)	L.U. 849 & Res 1889 -	App. C <b>130140 ZSM</b> , 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3.

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

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

(1)	Int 888-A -	Theft of manhole covers.			
(2)	Int 889-A -	Unlawful removal or acceptance of certain recyclable material.			
(3)	Int 893- A -	Collection of beverage containers using a motor vehicle.	(23)	L.U. 857 & Res 1876 -	App. <b>20135352 TCM</b> , 333 Hudson Street, in the Borough of Manhattan, Community District 2, Council District 3 ( <b>Coupled to be Filed</b> ).
(4)	Int 894- A -	Recovery of refrigerants from appliances.			
(5)	Int 1053-A -	Special medical needs shelters operated during and after certain emergency events.	(24)	L.U. 858 & Res 1877 -	App. <b>20135587 TCM</b> , 183 West 10th Street, in the Borough of Manhattan, Community District 2, Council District 3 ( <b>Coupled to be Filed</b> ).
(6)	Int 1054-A -	Community recovery plan to respond to	(25)	L.U. 859 & Res 1878 -	App. <b>20135774 TCM</b> , 570 Hudson

- (26) L.U. 860 & Res 1879 - Street, in the Borough of Manhattan, Community District 2, Council District 3. App. 20135775 TCM, 359 6th Avenue, in the Borough of Manhattan, Community District 2, Council District 3.
- (27) L.U. 861 & Res 1880 - App. N 130189(A) ZRM, amendment to the Zoning Resolution, relating to Article XIII, Chapter 4, establishing the Special Governors Island District in the Borough of Manhattan, Community District 1, Council District 1.
- (28) L.U. 862 & Res 1881 - App. C 130190 ZMM, amendment of the Zoning Map, Section No. 16a, by establishing a Special Governors Island District (GI), in the Borough of Manhattan, Community District 1, Council District 1.
- (29) L.U. 863 & Res 1882 - App. N 130178 ZRM, amendment to the Zoning Resolution, relating to certain provisions of Article IX, Chapter 3, (Special Hudson Yards District), Borough of Manhattan, Community District 4, Council District 3.
- (30) L.U. 864 & Res 1883 - App. C 130161 ZMK, amendment of the Zoning Map, Section 17c, by changing Block 4005, Lot 1-2, 28, 35 & 38 from R5/C1-3 to R7A/C2-4 and creating a C1-3 overlay district on Lots 1, 2 and p/o 8, in the Borough of Brooklyn, Community District 5, Council District 37.
- (31) L.U. 865 & Res 1884 - App. C 110178 ZMQ, amendment of the Zoning Map, Section 9a, adding a C1-4 overlay to an existing R5 district at 23rd Street and 33rd Avenue, in the Borough of Queens, Community District 1, Council District 22.
- (32) L.U. 869 & Res 1885 - App. 20135777 HAK, Brooklyn, Block 1861, Lot 119, subject to restrictions pursuant to Private Housing Finance Law (PHFL) Section 122 (1), Borough of Brooklyn, Community Board 3, Council District 36.
- (33) L.U. 870 & Res 1886 - App. 20135658 TCM, 196 Spring Street, in the Borough of Manhattan, Community District 2, Council District 3.
- (34) L.U. 871 & Res 1872 - 153 Manhattan Ave.
- (35) L.U. 872 & Res 1873 - 74 West 105 Street
- (36) Resolution approving various persons Commissioners of Deeds.

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the affirmative by the following vote:

**Affirmative** – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for Int No. 893-A:

**Affirmative** – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 46.

**Negative** – Williams – 1.

**Abstention** – Fidler – 1.

The following was the vote recorded for LU No. 842 & Res No. 1874, LU No. 847 & Res No. 1887, LU No. 848 & Res No. 1888, LU No. 849 & Res No. 1889, LU No. 869 & Res No. 1885:

**Affirmative** – Arroyo, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

**Negative** – Barron – 1.

The following was the vote recorded for LU No. 852 & Res No. 1875:

**Affirmative** – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

**Negative** – Halloran – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 888-A, 889-A, 893-A, 894-A, 1053-A, 1054-A, 1064, 1065-A, 1069-A, 1070-A, 1072-A, 1075-A, 1076-A, 1077-A, and 1120.

For Introduction and Reading of Bills, see the material following the Resolutions section below:

## 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 Res. No. Res 1806-A

**Report of the Committee on State and Federal Legislation in favor of approving, as amended, a Resolution calling on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007.**

The Committee on State and Federal Legislation, to which the annexed amended resolution was referred on June 12, 2013 (Minutes, page 1957), respectfully

## REPORTS:

### I. INTRODUCTION

On June 17, 2013, the Committee on State and Federal Legislation, chaired by Helen Diane Foster, held a hearing on Resolution 1806, which calls on the United States (“U.S.”) Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007. The Committee heard testimony from Congress Member Maloney and leaders from both the insurance and real estate industries. The Resolution was amended to include a request that Congress hold hearings on this important topic to assess the needs for any amendments and the appropriate length of an extension.

### II. BACKGROUND

On September 11, 2001, terrorists attacked the U.S., killing almost 3,000 people in New York, Washington D.C. and Pennsylvania as well as destroying New York City’s Twin Towers along with 10 other large buildings in lower Manhattan. Prior to the September 11<sup>th</sup> attacks, insurers generally did not exclude or separately charge for terrorism risks. The risk of terrorism was seen as so improbable that it generally was not considered in writing insurance policies.<sup>1</sup> The events of

September 11<sup>th</sup>, however, undeniably changed this as insurers recognized the magnitude of possible losses.<sup>2</sup> After the terrorist attacks, many insurance companies excluded terrorism events from their insurance policies, which, among other things, hampered development of large commercial real estate projects.<sup>3</sup> According to the Insurance Information Institute, claims paid by property and casualty insurers and reinsurers as a result of the September 11<sup>th</sup> terrorist attacks constituted, at the time, the largest cumulative claims payout in global insurance history, producing insured losses of about \$32.5 billion.<sup>4</sup> As a result of the September 11<sup>th</sup> insured losses, terrorism risk insurance became quickly unavailable or extremely too expensive, leading to many businesses being unable to purchase insurance that would protect them in future terrorist attacks.<sup>5</sup> In an effort to help make terrorism insurance available and affordable to businesses, particularly those in major urban areas such as New York City, the U.S. Congress passed the Terrorism Risk Insurance Act of 2002 (“TRIA”) and on November 26, 2002, then-President George W. Bush signed TRIA into law.<sup>6</sup> TRIA’s main goals were to (i) stabilize the private market by creating a temporary federal program that would share the responsibility for both public and private compensation of insured losses; (ii) protect consumers by safeguarding the availability and affordability of insurance specifically for terrorism risks; and (iii) maintain state regulation of insurance.<sup>7</sup>

#### *Terrorism Risk Insurance Act of 2002*

TRIA created a temporary program known as the Federal Terrorism Insurance Program (“FTIP”), which required property and casualty insurers conducting business in the U.S. to offer coverage for incidents of international terrorism and reinsure a large percentage of that insured risk.<sup>8</sup> This goal was met by federal government sharing insured commercial property-casualty losses with the private insurance market. The FTIP, which is overseen by the U.S. Department of the Treasury, provides for a transparent system to administer the share of federal compensation for insured losses resulting from acts of terrorism.<sup>9</sup> TRIA covers only U.S. commercial property-casualty insured losses due to acts of international terrorism certified by the U.S. Treasury Secretary.

TRIA addressed the second goal, to protect consumers, by nullifying all commercial terrorism exclusions on TRIA’s date of enactment. TRIA required property-casualty insurers, as a condition of receiving federal assistance, to make terrorism insurance available prospectively to their commercial policyholders.<sup>10</sup> TRIA in effect gave policyholders coverage for terrorism risk immediately, without charge, until the policyholder accepted or declined the coverage TRIA required insurers to offer. The policyholder was not required to purchase coverage. If the policyholder declined, their insurer could exclude terrorism losses.<sup>11</sup> TRIA did not affix a limit on what insurers could charge for terrorism risk insurance, though TRIA granted state regulators the authority to adjust excessive, insufficient, or unfairly discriminatory rates.<sup>12</sup>

TRIA’s third goal was to preserve state regulation of insurance. TRIA limited pre-emption of state rate and form filing requirements. TRIA preempted all prior state approvals through December 31, 2003, though it did permit any state to invalidate an excessive or discriminatory rate. Thus, states retained considerable authority over rates and terms for terrorism coverage. Additionally, TRIA required that workers’ compensation coverage included not only coverage for terrorism risk but also for war risk. Finally, TRIA directed the Treasury Secretary to consult with the state regulators’ group, the National Association of Insurance Commissioners, on several application issues.<sup>13</sup> These included treatment of captive insurers, studies required by the act, and access to information about rates. TRIA was set to expire on December 31, 2005, but was extended for two years through the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2005 (“TRIREA”).

#### *Terrorism Risk Insurance Revision and Extension Act of 2005*

Responding to concerns that a three-year program would be too limited to allow the private sector to develop the capacity to insure terrorism risk, the 109th Congress passed TRIREA which was signed into law on December 22, 2005.<sup>14</sup> TRIREA extended the program for an additional two years, until the end of 2007, and reduced the government’s exposure to terrorism losses by amending TRIA to (i) exclude a number of insurance lines that had previously been included; (ii) increasing the minimum event size necessary for government payment for losses from \$5 million to \$100 million; (iii) increase the individual insurer deductibles from 15% to 20%; (iv) increase the industry’s total retention amount from \$15 billion to \$27.5 billion; and (v) reduce the government’s share of losses from 90% to 85%.<sup>15</sup> TRIREA was set to expire on December 31, 2007, but was extended for seven years through the enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007 (“TRIPRA”).

#### *Terrorism Risk Insurance Program Reauthorization Act of 2007*

TRIPRA was signed into law on December 26, 2007, extending the FTIP through December 31, 2014.<sup>16</sup> TRIPRA made several amendments to TRIREA, including revising the definition of a certified act of terrorism to include acts of domestic terrorism and requiring clear and conspicuous notice to policyholders of the existence of the \$100 billion annual program cap.<sup>17</sup> TRIPRA has continued to help make terrorism insurance available and affordable to businesses, particularly those in located in New York City and without TRIA and the FTIP, many major development projects across the country could have ceased, jeopardizing job growth and economic development opportunities.

### **III. RESOLUTION NUMBER 1806-A**

Reso. No. 1806 calls on the U.S. Congress to pass and the president to sign, legislation that would extend TRIPRA, which is set to expire on

December 31, 2014. Advocates calling for an additional extension of TRIPRA, such as Robert P. Hartwig, Ph.D, President & Economist of the Insurance Information Institute have testified before the U.S. Congress that, “[t]he evidence, both in the United States and from similar programs abroad, is that market stability in terms of both pricing and availability of terrorism coverage, as well as the ability to maintain adequate and expanding levels of capacity over time, are contingent on the continued existence of the Terrorism Risk Insurance Program.”<sup>18</sup>

Extending TRIPRA would continue to make terrorism insurance available and affordable across the country as well as in New York City. Congress should review whether or not TRIPRA needs to be amended prior to extending the program and determine the appropriate length of extension to ensure the benefits to the economy this public private partnership has achieved continue.

<sup>1</sup> Webel, Baird. "Terrorism Risk Insurance: An Overview." *The Congressional Research Service*. Federation of

American Scientists, 11 Apr. 2005. Web last accessed 8 Mar. 2013. Path: <http://www.fas.org/sgp/crs/terror/RS21979.pdf>.

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

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

<sup>4</sup> "I.I.I. Offers Information, Analysis on the Insurance Implications of 9/11." *PR Newswire* 6 Sept. 2011. Web last accessed 8 Mar. 2013. Path: <http://www.prnewswire.com/news-releases/iii-offers-information-analysis-on-the-insurance-implications-of-911-129304458.html>.

<sup>5</sup> *Supra note 1*

<sup>6</sup> *Terrorism Risk Insurance Act*. AASCIF, 6 Sept. 2011. Web last accessed 14 June. 2013. Path: [http://www.aascif.org/public/archive/april-may-june03/3.2.4\\_april-may-june03.htm](http://www.aascif.org/public/archive/april-may-june03/3.2.4_april-may-june03.htm).

<sup>7</sup> Webel, Baird. "Terrorism Risk Insurance: Issue Analysis and Overview of Current Program." *The Congressional Research Service*. Federation of American Scientists, 26 Feb. 2013. Web last accessed 14 June. 2013.

Path: <http://www.fas.org/sgp/crs/terror/R42716.pdf>.

<sup>8</sup> The United States Terrorism Risk Insurance Act of 2002 (H.R.3210), 107<sup>th</sup> Congress.

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

<sup>10</sup> Webel, Baird. "Terrorism Risk Insurance: Issue Analysis and Legislation." *The Congressional Research Service*. Policy Archive, 30 May 2007. Web last accessed 14 June 2013.

Path: [http://www.policyarchive.org/handle/10207/bitstreams/19315\\_Previous\\_Version\\_2007-05-30.pdf](http://www.policyarchive.org/handle/10207/bitstreams/19315_Previous_Version_2007-05-30.pdf).

<sup>11</sup> *Id.*

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

<sup>13</sup> *Id.*

<sup>14</sup> *Treasury Department Announces Interim Guidance on Terrorism Risk Insurance Extension Act of 2005*. U.S.

Department of Treasury - Press Center, 30 Dec. 2007. Web last accessed 14 June 2013.

Path: <http://www.treasury.gov/press-center/press-releases/Pages/js3066.aspx>.

<sup>15</sup> *Supra note 9*

<sup>16</sup> "President Signs TRIA Extension." *Insurance Journal* 27 Dec. 2007. Web last accessed 14 June 2013.

Path: <http://www.insurancejournal.com/news/national/2007/12/27/85948.htm>.

<sup>17</sup> *Supra note 6*

<sup>18</sup> *Id.*

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

**(The following is the text of Res. No. 1806-A:)**

Res. No. 1806-A

**Resolution calling on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007.**

By Council Members Recchia, Foster, the Speaker (Council Member Quinn), Chin, Fidler, James and Palma.

**Whereas**, On September 11, 2001, terrorists attacked the United States, killing almost 3,000 people in New York, Washington D.C. and Pennsylvania as well as destroying New York City’s Twin Towers along with 10 other large buildings in lower Manhattan; and

**Whereas**, There have been several attempted terror attacks across the United States since September 11, 2001, including in New York City; and

**Whereas**, New York City Police Department Commissioner Raymond W. Kelly testified at a New York City Council hearing on March 15, 2011, that New York City remains the number one target for radical Islamic terrorism and highlighted 12 terror plots against New York City since September 11, 2001; and

**Whereas**, On April 15, 2013, terrorists attacked spectators and participants at the Boston Marathon by detonating two homemade bombs, which killed three and injured more than 260 innocent individuals; and

**Whereas**, According to the Insurance Information Institute, for property and casualty insurers and reinsurers, the claims paid as a result of the September 11<sup>th</sup> terrorist attacks constituted, at the time, the largest cumulative claims payout in global insurance history, producing insured losses of about \$32.5 billion; and

**Whereas**, After the September 11<sup>th</sup> terrorist attacks, many insurance companies excluded terrorism events from their insurance policies, which, among other things, hampered the development of large commercial real estate projects; and

**Whereas**, In an effort to help make terrorism insurance available and affordable to businesses, particularly those in major urban areas such as New York City, the U.S. Congress passed the Terrorism Risk Insurance Act of 2002 (“TRIA”); and

**Whereas**, On November 26, 2002, then-President George W. Bush signed TRIA into law, creating a temporary program known as the Federal Terrorism Insurance Program (“FTIP”), that required property and casualty insurers conducting business in the United States to offer coverage for incidents of international terrorism and reinsure a large percentage of that insured risk; and

**Whereas**, At the TRIA bill signing, President Bush stated that by helping to ensure that terrorism insurance is available, TRIA would permit many construction projects to move forward and help the economy grow, and that investors and markets would have greater confidence that our economy was strong enough to withstand a future attack; and

**Whereas**, The FTIP, which is overseen by the U.S. Department of the Treasury, provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism; and

**Whereas**, TRIA was set to expire on December 31, 2005, but was extended for two years through the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2005, which was signed into law on December 22, 2005; and

**Whereas**, The Terrorism Risk Insurance Program Reauthorization Act of 2007 (“TRIPRA”), signed into law on December 26, 2007, extended FTIP through December 31, 2014; and

**Whereas**, TRIPRA made several amendments to TRIA, including revising the definition of a certified act of terrorism to include acts of domestic terrorism and requiring clear and conspicuous notice to policyholders of the existence of the \$100 billion annual program cap; and

**Whereas**, TRIPRA has helped make terrorism insurance available and affordable to businesses, particularly those in located in New York City; and

**Whereas**, Without TRIA and the FTIP, many major development projects across the country could have ceased, jeopardizing job growth and economic development opportunities; and

**Whereas**, On September 11, 2012, the U.S. House of Representatives Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled *TRIA At Ten Years: The Future of the Terrorism Risk Insurance Program*; and

**Whereas**, At this hearing, several industry leaders testified regarding the value of FTIP and the extension of the program; and

**Whereas**, Robert P. Hartwig, Ph.D, CPCU, President & Economist of the Insurance Information Institute testified that, “[t]he evidence, both in the United States and from similar programs abroad, is that market stability in terms of both pricing and availability of terrorism coverage, as well as the ability to maintain adequate and expanding levels of capacity over time, are contingent on the continued existence of the Terrorism Risk Insurance Program”; and

**Whereas**, Congress should hold hearings and review whether or not TRIPRA needs to be amended prior to extending the program and determine the appropriate length of the extension; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007.

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH S. CROWLEY; Committee on State and Federal Legislation, July 23, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Comrie) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1108

By Council Members Brewer, Arroyo, Comrie, Dickens, James, Lander, Mendez, Palma, Rose, Weprin, Wills, Garodnick, Richards, Rivera, Vallone, Jr., Dromm, Rodriguez, Vacca, Van Bramer, Nelson, Koslowitz, Levin, Oddo and Halloran.

### A Local Law to amend the New York city charter, in relation to absentee and military voters utilizing ranked choice voting.

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c *Ranked choice voting for absentee and military voters in citywide primary elections.*

*a. The method of conducting fall primary elections and primary run-off elections for the offices of mayor, public advocate, and comptroller shall be governed by applicable provisions of the New York state election law, except for provisions inconsistent with the procedures established by this section.*

*b. For the purposes of this section:*

*(1) a “fall primary election” is an election held pursuant to paragraph a of subdivision 1 of section 8-100 of the state election law; and*

*(2) a “primary run-off election” is an election held pursuant to paragraph b of subdivision 1 of section 8-100 of the state election law.*

*c. Persons who meet the requirements of subdivision 1 of section 8-400 of the election law for voting absentee, or who are a military voter as defined in section 10-102 of the election law, with respect to the fall primary election, and who request or are otherwise entitled to an absentee ballot or military ballot in accordance with state law for such election, shall receive an absentee or military ballot permitting ranked choice voting. Such ballot shall allow such persons to rank candidates in order of preference in any race for the office of mayor, public advocate, and comptroller where more than two candidates appear on the applicable fall primary election ballot.*

*d. In counting votes for offices for which such ranked choice ballots have been used, a first choice vote on a ballot issued pursuant to subdivision b of this section shall be counted towards the chosen candidate’s total votes in the fall primary election and primary run-off election, except that, in the case of a primary run-off election in which the candidate receiving a first choice vote on such a ballot was eliminated in the fall primary election, the second choice vote on such ballot shall be counted towards the second choice candidate’s total votes in such primary run-off election. If both the first and the second choice candidates marked on a ballot issued pursuant to subdivision b of this section were eliminated in the fall primary election, the third choice vote on such ballot shall be counted towards the third choice candidate’s total votes in such primary run-off, unless that candidate was eliminated in the fall primary election, and so on in descending order of marked preference until the ballot has registered a vote for a candidate or unless all candidates for an office for which the voter registered any preference were eliminated in the fall primary election.*

*e. Ballots issued pursuant to subdivision b of this section shall permit a voter to include in his or her ranking of preferences a write-in candidate to the extent he or she would be permitted to do so if voting in-person.*

*f. Ballots issued pursuant to subdivision b of this section shall include instructions explaining how to make a ranked choice vote for those races for which such a vote is an option, as well as any other instructional information deemed appropriate by the New York city board of elections.*

*g. The voter assistance advisory committee shall take steps to ensure that absentee and military voters are familiar with the ranked choice method of absentee and military voting.*

§ 2. This local law shall take effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1109

By Council Members Crowley and Mendez.

### A Local Law to amend the administrative code of the city of New York in relation to criminal and civil penalties for the performance of unauthorized electrical work.

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 27-3017 of the administrative code of the city of New York is amended to read as follows:

*c. Penalty. Any person, partnership or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than five hundred dollars nor [more than five thousand dollars for the first offense, not less than one thousand dollars nor more than five thousand dollars for the second offense, and not less than fifteen hundred dollars nor more than five thousand dollars for the third offense or any successive offense thereafter or by six months imprisonment] more than twenty-five thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.*

§ 2. Item 13 of Section 28-201.2.1 of the administrative code of the city of New York is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization or a violation of section 27-3017 for performing electrical work without a required license.

13.1 The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

13.2 *The minimum civil penalty that shall be imposed for a violation of section*

27-3017 and the minimum fine that shall be imposed for a violation of such section shall be four thousand eight hundred dollars.

§ 3. This local law shall take effect ninety days after its enactment except that the commissioner of the department of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1110

By Council Members Dickens, Barron, Chin, Comrie, Fidler, James, Koslowitz, Mendez, Palma, Richards, Rose and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to post on its website a link to the National Marrow Donor Program.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 *National marrow donor program.* The department shall place on its website a link to the national marrow donor program website which allows individuals to register to donate bone marrow, peripheral blood stem cells, and umbilical cord blood.

§2. This local law shall take effect sixty days after its enactment into law.

Referred to the Committee on Health.

Int. No. 1111

By Council Members Dilan, Comrie, Koo, Nelson, Rose and Wills (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to smoke alarms.**

*Be it enacted by the Council as follows:*

Section 1. Article 12 of Chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2011, is amended to read as follows:

**ARTICLE 312**

**CARBON MONOXIDE AND SMOKE ALARMS**

§ 28-312.1 *General.* Required carbon monoxide and smoke alarms shall comply with the provisions of this article.

§ 28-312.[1]2. **Periodic replacement of carbon monoxide alarms.** Carbon monoxide alarms required pursuant to section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm.

Exception. A carbon monoxide alarm installed prior to the effective date of this article shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm or within 6 months after the effective date of this article, whichever is later.

§ 28-312.[2]3. **Audible notification of expiration of useful life of carbon monoxide alarms.** All carbon monoxide alarms installed after the effective date of this article shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.

§ 28-312.4 **Periodic replacement of smoke alarms.** Smoke alarms required pursuant to section 907.2 of the New York City building code or sections 27-978, 27-979, 27-980, and 27-981 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm.

Exception. A smoke alarm installed prior to the effective date of this section 28-312.4 shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm or within six (6) months after the effective date of this section 28-312.4, whichever is later.

§ 28-312.5 **Audible notification of expiration of useful life of smoke alarms.** All smoke alarms installed after the effective date of this section 28-312.5 shall comply with UL 217, shall employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years, and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.

§ 2. Chapter 35 of the New York city building code is amended by adding a new standard reference number UL 217 of Underwriters Laboratories (UL) to read as

follows:

**UL Underwriters Laboratories 333 Pfingsten Road Northbrook, IL 60062-2096 Standard reference Number Title 217-09 Standard for Single and Multiple Station Smoke Alarms.**

§ 3. The first undesignated paragraph of subdivision (a) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

It shall be the duty of the owner of a class A multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] section 907.2 of the New York City building code or sections 27-978, 27-979, 27-980, and 27-981 of the 1968 building code to:

§ 4. Paragraphs (1), (2), (3) and (5) of subdivision (a) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

(1) provide and install one or more approved and operational smoke detecting devices in each dwelling unit and replace such devices in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York. Such devices shall be installed [in accordance with the requirements of] at locations specified in reference standard 17-12 of the 1968 building code or section BC 907.2.10 of the New York city building code, as applicable.

(2) post a notice in a form approved by the commissioner in a common area of the building informing the occupants of such building that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building and to periodically replace such devices upon the expiration of their useful life in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York and that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(3) replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit, with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(5) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, including records showing that the device meets the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York, in the building and make such records available to the commissioner upon request.

§ 5. The first undesignated paragraph of subdivision (b) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

Notwithstanding the provisions of subdivision a of section 27-2005 of article one of this subchapter and subdivision c of section 27-2006 of article one of this subchapter, it shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling in which a smoke detecting device has been provided and installed by the owner pursuant to the provisions of [article six of subchapter seventeen of chapter one of this title] section 907.2 of the New York City building code or sections 27-978, 27-979, 27-980, and 27-981 of the 1968 building code to:

§ 6. Paragraph (1) of subdivision (b) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

(1) replace any and all devices which are either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

§ 7. The first undesignated paragraph of subdivision (c) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

Except as otherwise provided in paragraphs three and four of subdivision a of this section, and as provided in article 312 of chapter 3 of title 28 of the administrative code of the city of New York, an owner of a class A multiple dwelling who has provided and installed a smoke detecting device in a dwelling unit pursuant to this section shall not be required to keep and maintain such device in good repair or to replace any such device which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

§ 8. The first undesignated paragraph of subdivision (d) of section 27-2045 of the administrative code of the city of New York is amended to read as follows:

The occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed pursuant to this section shall reimburse the owner a maximum of [ten] twenty-five dollars for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement.

§ 9. The first undesignated paragraph of section 27-2046 of the administrative code of the city of New York is amended to read as follows:

It shall be the duty of the owner of a class B multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] section 907.2 of the New York City building code or sections 27-978, 27-979, 27-980, and 27-981 of the 1968 building code to:

§ 10. Paragraphs (2), (3), and (4) of section 27-2046 of the administrative code of the city of New York are amended to read as follows:

(2) keep and maintain smoke detecting devices in good repair and replace such devices in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(3) replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit, *in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

(4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, *including records showing that the device meets the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York*, in each dwelling unit and make such records available to the commissioner upon request.

§ 10. This local law shall take effect 120 days after its date of enactment except that the department of housing preservation and development may promulgate rules or take other actions to implement its provisions prior to such effective date and at any time prior to such effective date, owners may replace previously installed smoke alarms which do not conform to the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York and the period of reimbursement pursuant to subdivision (d) of section 27-2045 of the administrative code of the city of New York by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

Referred to the Committee on Housing and Buildings.

Int. No. 1112

By Council Members Dilan, Comrie, Koo, Nelson and Rose (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to public access stairways.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-101.4.3 of the administrative code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to add a new exception 18, to read as follows:

18. **Alterations requiring compliance with public access stairway provisions.** *Where the cost of alteration equals or exceeds 60 percent of the value of the building, a public access stairway shall be designated in accordance with Section 1009.15 of the New York city building code and compliance with Section 1009.15 shall be required. Such stairway shall be subject to special provisions for prior code buildings as set forth in such section. For the purposes of this exception, the cost of alterations shall be determined by adding the estimated cost of the proposed alteration, excluding minor alterations and ordinary repairs, computed as of the time of submitting the application for construction document approval, to the actual cost of any and all alterations made in the preceding 12-month period. Where the proposed alteration includes an enlargement, the value of such alteration shall include the cost of the enlargement.*

§2. Section 403.5.3 of the New York city building code as added by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to add a new item 18, is amended to read as follows:

**403.5.3 Stairway door operation.** Doors opening into interior stair enclosures shall not be locked from either side. However, a door locked from the stair side may be permitted provided that such door is equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. Such door shall be deemed as openable from the stair side. Stair reentry signs shall be posted throughout the stairway indicating that reentry is provided only during fire emergencies. Such signs shall be in accordance with Section 1030.4.2.

**Exception:**

*Public access stairway door operation shall comply with Section 1008.1.9.10.*

**403.5.3.1 Stairway communication system.** A telephone or other two-way communications system connected to an approved constantly attended station shall be provided at not less than every fifth floor in each stairway where the doors to the stairway are locked in accordance with Section 403.5.3.

§3. Section 1002.1 of the New York city building code is amended by adding two new definitions, in alphabetical order, to read as follows:

**PUBLIC ACCESS STAIRWAY DOOR SIDELIGHTS.** *Fixed transparent*

*panels, which form part of a fire door assembly and are immediately adjacent to the vertical edge of an opening in which a public access stairway door is located.*

**STAIRWAY, PUBLIC ACCESS.** *A continuous interior stairway that complies with Section 1009.15 and enables building occupants to utilize stairs to travel between the building entrance level and other levels.*

§4. Section 1008.1.9.10 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

**1008.1.9.10 Stairway doors.** Interior stairway means of egress doors, *including public access stairway doors*, shall be openable from both sides without the use of a key or special knowledge or effort.

**Exceptions:**

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Section 403.5.3.

3. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.]

1. *Doors serving interior stairways, other than public access stairways, where the following apply:*

1.1 *Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.*

1.2 *This section shall not apply to doors arranged in accordance with Section 403.5.3.*

1.3 *In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.*

1.4 *In buildings five stories in height or more but not subject to Section 403, any door locked from the stair side of an interior stairway shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center.*

1.5 *This section shall not apply to buildings permitted to be served by one exit in accordance with Item 4 or 5 of Section 1021.2.*

2. *Doors serving public access stairways under the following conditions:*

2.1 *On levels other than the building entrance level, where access to the level from the elevator is restricted to individuals by use of security devices, such as keys, codes, or card key access, doors serving a public access stairway on such levels may be locked from the egress side provided any such door shall be openable by such individuals using the same security devices. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side.*

2.2 *On the building entrance level, where access to all other levels from the elevator is restricted to individuals by use of security devices, such as key, codes, or card key access, access to the public access stairway on the building entrance level may be locked on the side opposite the egress side, provided any such door shall be openable by such individuals using the same security devices. Public access stairway discharge doors shall be openable from the egress side.*

2.3 In buildings five stories in height or more, any door serving a public access stairway that is permitted to be locked shall be equipped with an automatic fail safe system for opening in the event of the activation of any automatic fire detection system, or when any elevator recall is activated, or when any signal is received from the fire command center. In stairways serving not more than four stories, any door serving public access stairway that is permitted to be locked must be capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

**1008.1.9.10.1 Interior stairways that are designated as public access stairways in prior code buildings that are subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code shall comply with Section 1008.1.9.10, notwithstanding any provisions of sections 27-371(j)(b)(2), (3), or (4) of the 1968 building code that previously permitted doors to be locked from the stair side.**

§5. The New York city building code is amended by adding a new section 1008.1.11, to read as follows:

**1008.1.11 Glazing in Doors.** All doors serving a public access stairway required by Section 1009.15 shall have fire-protection rated glazing in accordance with Section 715.3.4.1. Such glazing shall be at least 10 square feet (3050 square mm) in area for such doors at the building entrance level and at least 7 square feet (2135 square mm) in area for all other doors. Such glazing may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.

Exception:

Glazing in doors shall not be required where Public Access Stairway Door Sidelights are provided on one or both sides of a door serving a public access stairway. The combined area of such sidelights must be equal to or greater than the square footage required for glazing in doors pursuant to Section 1008.1.11. Such sidelights may be of any width, however, a portion shall be located between 4 feet (1,220 mm) and 6 feet (1,830 mm) above the finished floor landing.

§6. The New York city building code is amended by adding a new Section 1009.15, to read as follows:

**1009.15 Public Access Stairway.** At least one public access stairway in compliance with Sections 715.4, 1008.1.9.10, 1008.1.11, 1022.8.5, 1030.3, and 1030.13 shall be provided in buildings or structures. All levels within a building or structure shall have access to at least one public access stairway.

Exceptions:

1. Buildings in which an elevator or escalator is not provided.
2. Buildings or portions of buildings in occupancy group E under the jurisdiction of the New York City Department of Education.
3. Public access stairway doors serving the following spaces
  - 3.1 Doors in places of detention or restraint that are permitted to be locked pursuant to item 1 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code.
  - 3.2 Doors in banks, jewelry stores and other places where extra safeguards are required that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner.
  - 3.3 Doors in museums that are permitted to be locked pursuant to item 2 of Section 1008.1.9.3 or to Section 27-371(j)(1)(a)(2) of the 1968 building code, subject to the approval of the commissioner and the Fire Commissioner.
  - 3.4 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code, doors opening directly into a dwelling unit or tenant's space without an intervening hall, vestibule or corridor.
  - 3.5 For prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code, doors that are permitted to be locked to prevent access to the stair at the street floor pursuant to section 27-371(j)(1)(b)(1) of the 1968 building code.
  - 3.6 For prior code buildings subject to this section pursuant to item 18

of Section 28-101.4.3 of the Administrative Code, doors providing access to the roof that are permitted to be locked pursuant to section 27-371(j)(1)(a)(3) of the 1968 building code.

**1009.15.1 Entry location.** Where the common entrance area at the building entrance level provides direct access to an elevator, direct access to a public access stairway shall also be provided within the same common entrance area.

Exception for prior code buildings subject to this section pursuant to item 18 of Section 28-101.4.3 of the Administrative Code: Where the common entrance area at the building entrance level provides direct access to an elevator, but does not provide direct access to a stairway within such area, compliance with the provisions of Section 1009.15.1 regarding providing direct access to a public access stairway in the common entrance area shall not be required. Instead, the stairway with an opening closest to such common entrance area shall be designated the public access stairway.

**1009.15.1.1 Stairways that are permitted to be unenclosed from the building entrance level pursuant to Section 1022.1 shall be permitted to serve as a portion of a public access stairway, provided that the top of such stairway has direct access to a public access stairway to the upper levels.**

**1009.15.2 Roof top access.** In a building where access to the roof is provided by an elevator, such roof shall also be served by a public access stairway.

Exception. Where doors are permitted to be locked pursuant to Section 1008.1.9.3, Item 6.

**1009.15.3 Multiple occupancies.** Where multiple tenant spaces are not served by a common elevator, such tenant spaces shall be permitted to be served by separate public access stairways, provided that each such stair has access at the building entrance level.

§7. Section 1020.1 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

**1020.1 General.** Exits shall comply with Sections 1020 through 1026 and the applicable requirements of Sections 1003 through 1013. An exit shall not be used for any purpose that interferes with its function as a means of egress. The use of an exit for access between floors of a public access stairway in accordance with Section 1009.15 shall not be deemed to interfere with its function as a means of egress. Once a given level of exit protection is achieved, such level of protection shall not be reduced until arrival at the exit discharge.

§8. The New York city building code is amended by adding a new Section 1022.8.5, to read as follows:

**1022.8.5 Public access stairway identification sign.** A public access stairway identification sign shall be provided on the occupied side of each door leading to a public access stairway, in accordance with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the wall surface directly adjacent to the latch-side of the door, such that in no case shall there be more than 6 inches (152.4 mm) from the door to the edge of the sign. Where the wall surface directly adjacent to the latch side is too narrow to accommodate the sign, the sign may be placed on the adjacent perpendicular wall. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.

§9. Section 1030.3 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended to read as follows:

**1030.3 Stairway and elevator identification signs.** Stairway floor number and stairway identification signs shall be provided in accordance with Section 1022.8. Elevator identification and emergency signs shall be provided in accordance with Section 3002.3. A public access stairway identification sign shall be provided in accordance with Section 1022.8.5. Stair prompt signs shall be provided in accordance with Section 3002.3.2. Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, signs shall be posted in accordance with Section 1030.13.

§10. The New York city building code is amended by adding a new Section 1030.13, to read as follows:

**1030.13 Public access stairway, restricted access list.** Where stair side doors provide restricted access in accordance with Section 1008.1.9.10, restricted access list signs shall be posted and maintained on the stair side at all public access stair

doors at every floor. Such signs shall read: "DOORS TO THE FOLLOWING FLOORS ARE OPENABLE USING SECURITY DEVICES: ...ALL OTHER DOORS ARE FULLY OPENABLE". Such signs shall comply with Section E107.3. In buildings where free access is provided on every floor, no such sign is required.

§11. The New York city building code is amended by adding a new Section 3002.3.2, to read as follows:

**3002.3.2 Public Access Stairway Prompt.** A public access stairway prompt sign shall be posted and maintained on each wall where an elevator call button is located, in accordance with the rules of the Department of Health and Mental Hygiene. The contents of the sign shall comply with the rules of the Department of Health and Mental Hygiene. Signs shall be mounted on the wall surface directly adjacent to the elevator call station. Where there are two or more elevators, signs shall be centrally mounted on the wall between such elevators. The top of such sign shall be located no higher than 5 feet (1,525 mm) above the finished floor. Such signs shall comply with Section E107.3.

§12. This local law shall take effect on the same date as a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, takes effect, except that prior to such effective date the Department of Health and Mental Hygiene shall promulgate such rules as are necessary to implement the provisions of this local law.

Referred to the Committee on Housing and Buildings

Int. No. 1113

By Council Members Dilan, Comrie, Koo, Rose and Wills (by request of the Mayor).

**A Local Law to amend the to amend the administrative code of the city of New York, the New York city building code and the New York city fire code, in relation to hold-open devices and automatic closing of exit doors serving vertical exit enclosures.**

Be it enacted by the Council as follows:

Section 1. Section 707.7 of the New York city building code, as added by local law 33 of the year 2007, is amended to read as follows:

**707.7 Openings.** Openings in a shaft enclosure shall be protected in accordance with Section 715 as required for fire barriers. Such openings shall be self-closing or automatic-closing by smoke detection. Automatic-closing by smoke detection is not permitted for required [vertical exit] doors serving vertical exit enclosures.

**Exceptions:** For buildings other than those in Occupancy Group H, doors serving vertical exit enclosures shall be permitted to be automatic-closing by smoke detection in the following buildings, provided the automatic closing of such openings complies with Section 707.7.2:

1. Buildings that are not classified as high-rise pursuant to Section 403.1 of this code or Section 27-232 of the Administrative Code and that are equipped with a fire alarm system; or
2. Buildings, regardless of height, that are equipped with fire alarm systems and automatic sprinkler systems throughout; or
3. High-rise office buildings 100 feet or more in height that are equipped with fire alarm systems, and are subdivided into compartments pursuant to Section 27-339(c) of the Administrative Code.

**707.7.1 Prohibited openings.** Openings other than those necessary for the purpose of the shaft shall not be permitted in shaft enclosures.

**707.7.1.1 Existing buildings.** Nothing in Section 28-101.4.4 shall preclude the use of automatic-closing by smoke detection for exit doors serving vertical exit enclosures in existing buildings, provided such automatic closing complies with Section 707.7.

**707.7.2 Automatic closing of doors by smoke detection.** Doors serving vertical exit enclosures permitted to be automatic-closing by smoke detection shall be subject to the following conditions:

1. No more than one vertical exit enclosure in a building shall be permitted to be served by doors that are automatic-closing by smoke detection.
2. Such doors shall be permitted to serve not more than three levels within such vertical exit enclosure, which must be consecutive levels.
3. All levels served by such doors shall be served by at least one other exit.

4. Such doors shall be connected to a fire alarm system and installed in accordance with Section 715.3.7.3 and NFPA 80.

5. The hold-open devices of such doors shall be capable of manual release either (i) at a fire alarm control panel that is near the main building entrance, or (ii) at the fire command center when a fire command center is required.

6. The hold-open devices of such doors shall be capable of manual release by pulling the doors to the closed position.

§ 2. Section 715.3.7.3 of the New York city building code, as added by local law 33 of the year 2007, is amended by adding a new item 7 to read as follows:

7. Doors serving vertical exit enclosures that are permitted to be automatic-closing by smoke detection pursuant to the exception set forth in Section 707.7.

§ 3. Section 907.10 of the New York city building code, as added by local law 33 of the year 2007, is amended by adding a new section 907.10.1 to read as follows:

**907.10.1 Monitoring of hold-open devices and closers.** All hold-open devices used in automatic-closing doors pursuant to Section 707 shall be electrically supervised to monitor the integrity of the wiring connections among the fire alarm system, the smoke detection system, and the hold-open devices.

§ 4. Section 911.1 of the New York city building code, as added by local law 33 of the year 2007, is amended by adding a new item 15 to read as follows:

15. Manual controls for the release of doors that are automatic-closing by the actuation of smoke detectors or activation of the fire alarm in accordance with Section 707.7.2.

§ 5. Section 1019.1 of the New York city building code, as added by local law 33 of the year 2007, is amended by adding a new Exception 11 to read as follows:

11. Vertical exit enclosures with doors that are automatic-closing by smoke detection pursuant to the exception set forth in Section 707.7 may be used for travel between floors and this use shall not be deemed to interfere with function as a means of egress.

§ 6. Section 1019.1.7 of the New York city building code, as added by local law 33 of the year 2007, is amended by adding a new section BC 1019.1.7.1 to read as follows:

**1019.1.7.1 Directions to openable doors.** Where doors serving vertical exit enclosures are locked on the stair side, signage shall be posted in compliance with Sections 1026.4.1, 1026.4.2 and 1026.4.3.

§ 7. Section 703.2.2 of the New York city fire code, as added by local law 26 of the year 2008, is amended to read as follows:

**703.2.2 Hold-open devices and automatic door closers.** Hold-open devices for fire doors and automatic door closers for self-closing fire doors, where provided, shall be inspected, tested, and otherwise maintained in accordance with Sections 703.2 and 907.20. During the period that such hold-open device is out of service for repairs, the door it operates shall remain in the closed position.

§ 8. Section 907.20 of the New York city fire code, as added by local law 26 of the year 2008, is amended by adding a new subdivision 907.20.7 to read as follows:

**907.20.7 Hold-open devices.** The fire alarm system connections for hold-open devices installed on fire doors pursuant to the Building Code, including hold-open devices provided for vertical exit enclosure doors pursuant to the exception to Section 707.7 of the Building Code, shall be inspected, tested and otherwise maintained in accordance with Sections 703.2 and 907.20 and NFPA 72. Hold-open devices and automatic door closers provided for such vertical exit enclosure doors shall be inspected and tested annually to ensure the proper functioning of:

1. the manual control on the fire alarm system control panel, or the fire command center where a fire command center is required, that transmits a signal to release the hold-open devices;
2. the fire alarm system output programming, which automatically transmits a signal to release the hold-open devices upon activation of an automatic alarm initiating device or manual elevator recall;
3. the circuitry for each hold-open device, which upon receipt of a manual or automatic signal, releases the door; and
4. each automatic door closer, which, upon release of the door by the hold-open device, mechanically moves the door to its fully closed position.

§ 9. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1863

**Resolution calling upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.**

By Council Members Dromm, Dickens, Barron, Chin, Comrie, Gentile, James, Koo, Koslowitz, Mendez, Palma, Richards, Rose and Halloran.

**Whereas**, According to the U.S. Census Bureau's latest American Religious Identification Survey in 2008, there were 582,000 Hindus, 78,000 Sikhs, and 1,189,000 Buddhists in the United States; and

**Whereas**, According to the Census Bureau's 2011 American Community Survey, there were 207,414 New York City residents who identify themselves as Asian Indian, of which many are adherents of Hinduism, Sikhism, Jainism, or Buddhism; and

**Whereas**, Diwali, a five-day festival that begins on the 13th day of the Hindu month of Kartik (October/November), is the most important festival on the Hindu calendar, celebrating the triumph of good over evil and marking the New Year; and

**Whereas**, Diwali is commonly known as the Festival of Lights, with celebrants lighting millions of lanterns, symbols of knowledge and inner light, to dispel ignorance and darkness; and

**Whereas**, For Sikhs, Diwali is the day the Mughal Emperor released Hargobind, the revered sixth Guru, from captivity; and

**Whereas**, For Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, who was the last of the Tirthankaras, or the great teachers of Jain dharma; and

**Whereas**, Some Buddhists celebrate Diwali to commemorate the day King Ashok converted to Buddhism; and

**Whereas**, Despite the large number of Hindus, Sikhs, Jains, and Buddhists in New York City, Diwali is not recognized as a school holiday in the New York City public school system; and

**Whereas**, In 2007, the United States House of Representatives passed a resolution recognizing the religious and historical significance of Diwali, and since 2009, the White House has held an annual Diwali celebration; and

**Whereas**, New York City has already acknowledged the significance of Diwali by suspending alternate side parking rules on Lakshmi Puja, the third and most important day of the holiday; and

**Whereas**, Currently, New York City public schools are closed on several religious holidays; and

**Whereas**, It should be noted that Chancellor's Regulation A-630 puts forth guidelines regarding the provision of reasonable accommodations for religious observance and practices for public school students; and

**Whereas**, Pursuant to Regulation A-630, reasonable accommodations include excused absences for religious observance outside of school grounds, as well as in-school provisions such as time for praying or sitting separately in the cafeteria during periods in which a student may fast; and

**Whereas**, Despite the intentions behind this regulation, many parents, students and advocates have expressed concern that students who celebrate Diwali are still left at a disadvantage, having to choose between celebrating an important holiday or being absent from school, which can result in these students falling behind their peers, missing lessons and tests, and having lower attendance records; and

**Whereas**, Other American localities with growing Hindu, Sikh, Jain, and Buddhist populations have incorporated Diwali into their school holiday calendars, including Passaic and South Brunswick in New Jersey; and

**Whereas**, New York City is a diverse and dynamic locality in which tolerance and acceptance are central values, and the incorporation of Diwali as a public school holiday would serve as an important embodiment of this tolerance and acceptance; and

**Whereas**, The New York City Department of Education has authority over the school calendar and, as a matter of policy, can incorporate Diwali as an observed holiday; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to establish Diwali as an official holiday for New York City public school students.

Referred to the Committee on Education.

Res. No. 1864

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.**

By Council Members Dromm, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, James, Koo, Lander, Palma, Rose and Wills.

**Whereas**, In 1962, the New York State Family Court Act was enacted by the New York State Legislature, which chose 16 to be the age of criminal responsibility as a temporary gauge until public hearings and research could be conducted; and

**Whereas**, New York State's "temporary" age of criminal responsibility has now been in effect for over 50 years; and

**Whereas**, According to *The New York Times*, New York is one of only two states in the country, along with North Carolina, in which youth arrested at age 16 or older are tried in adult court and confined in adult jails and prisons regardless of the crime for which they are charged; and

**Whereas**, According to the Schuyler Center for Analysis and Advocacy, 74.4% of crimes committed by 16- and 17-year-olds are classified as misdemeanors, yet all of these youth are tried in the adult court system; and

**Whereas**, In the 2005 U.S. Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on adolescent brain development to prohibit the imposition of the death penalty for youth under the age of 18; and

**Whereas**, In the 2010 U.S. Supreme Court ruling *Graham v. Florida*, the Court further held that juvenile offenders may not be sentenced to life imprisonment without parole for non-homicide offenses; and

**Whereas**, The Center for Disease Control and Prevention found that youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely to be re-arrested for crimes than youth retained in the juvenile court system; and

**Whereas**, A.3668, currently pending in the New York State Assembly, and companion bill S.1409, currently pending in the New York State Senate, seek to amend the Criminal Procedure Law, the Executive Law, the Family Court Act, and the Penal Law, by raising the age of criminal responsibility from 16 to 18 years of age; and

**Whereas**, A.3668/S.1409 would amend New York State's laws regarding the age of criminal responsibility, bringing it in line with 48 other U.S. states; and

**Whereas**, The New York City Council previously passed Resolution 1067 on November 29, 2011, which supported New York State Chief Judge Jonathan Lippman's call for the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16- and 17- year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system; and

**Whereas**, The New York State Legislature should pass A.3668/S.1409 in order to improve the lives and future of New York's court involved youth; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1114

By Council Members Garodnick, James, Koo, Rose and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to a street design manual, and to repeal subdivision d of section 19-180.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 19-180 as added by local law 23 of 2008 of the administrative code of the city of New York is hereby REPEALED.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by re-numbering section 19-180 titled "Safety audits of crash locations involving pedestrians" as added by local law 11 of 2008 and as amended by local law 12 of 2011 as section 19-180.1.

§ 3. Subdivision c of section 19-180 of the administrative code of the city of New York as added by local law 23 of 2008 is amended to read as follows:

c. The performance indicators developed pursuant to this section shall be measured and reported citywide and by borough by the department[and], submitted in a written report to the *speaker of the council* and the mayor *and posted on the department's official website* by November 1<sup>st</sup> of each following calendar year. Where such report provides information for a key corridor, such report shall provide performance indicators before and after construction or project implementation. Such report shall include information for each indicator from the prior calendar year and shall describe departmental assessments about the projects where appropriate.

§ 4. Subdivision b of section 19-182 of the administrative code of the city of New York is amended to read as follows:

b. The first comprehensive traffic study and plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and *speaker of the council and posted on the*

department's official website by the thirtieth day of november, two thousand and fifteen. Subsequent studies and plans shall be submitted to the mayor and speaker of the council and posted on the department's official website every five years thereafter by the thirtieth of november in every such year.

§ 5. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.1 to read as follows:

§ 19-182.1 *Comprehensive guidelines for the improvements of roads and sidewalks.* a. Every four years, the department shall publish a manual of policies and design guidelines for the improvement of roads and sidewalks in the city of New York. The manual shall serve as a comprehensive resource for promoting higher quality street designs and more efficient project implementation. The manual shall cover a variety of topics related to street design, including but not limited to complete streets, geometric design, sustainable materials, street lighting techniques and equipment.

b. The first comprehensive guideline for the improvement of roads and sidewalks in the city of New York shall be shared by electronic mail with other mayoral agencies, community boards, the speaker of the council and other city elected officials and posted on the department's official website by the thirtieth day of november, two thousand fifteen. Subsequent updates to the guidelines shall be shared as indicated above and posted every four years thereafter by the thirtieth of november in every such year.

§ 6. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1865

**Resolution calling upon the Congress of the United States to pass, and the President of the United States to sign, an amendment to subdivision (f) of section 132 of the Internal Revenue Code to provide qualified transportation benefits to commuters who use bicycle share programs, and allow commuters to combine the bicycle benefits with other qualified benefits.**

By Council Members Garodnick, Brewer, Chin, Fidler, James, Koo, Lander, Mendez, Palma and Richards.

**Whereas**, The Internal Revenue Service (IRS), under section 132 of the Internal Revenue Code, allows for qualified transportation tax benefits to eligible employees; and

**Whereas**, A qualified bicycle commuting reimbursement has existed under this section since 2008; and

**Whereas**, This section does not include qualified transportation benefits for commuters who use bicycle share programs; and

**Whereas**, The reasonable expenses covered by this fringe benefit program only pertain to personally owned bicycles; and

**Whereas**, New York City recently implemented a bicycle share program, with 6,000 bicycles at 300 locations; and

**Whereas**, The creation and use of bicycle sharing programs are increasing in a number of cities in the United States; and

**Whereas**, The bicycle sharing program was designed to allow commuters to use bicycles in conjunction with other forms of mass transit; and

**Whereas**, Commuters who use bicycle sharing programs should not be foreclosed from receiving reimbursement for other qualified transportation benefits listed in section 132 of the Internal Revenue Code; and

**Whereas**, Commuters often use shared bicycles for a substantial portion of their trip from their home to their place of employment; and

**Whereas**, Commuters should be able to obtain fringe benefits for all parts of their commute; and

**Whereas**, According to the New York City Department of Transportation (DOT) and NBC News, since a bicycle share program was launched in New York City on May 27, 2013, the program has averaged 14,200 trips per day; and

**Whereas**, The City has added over 270 miles of bicycle lanes since 2006 and the risk of injury to New York City cyclists has decreased by 75% since 2000, according to information provided by the DOT and NBC News; and

**Whereas**, Amending the Internal Revenue Code to add bicycle share program costs as qualified transportation benefits would provide an incentive for commuters to continue to use bicycle share programs; and

**Whereas**, Incentives to encourage the use of bicycle share programs will have a positive impact on the environment and may have a positive fiscal impact on New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress of the United States to pass, and the President of the United States to sign, an amendment to subdivision (f) of section 132 of the Internal Revenue Code to provide qualified transportation benefits to commuters who use bicycle share programs, and allow commuters to combine the bicycle benefits with other qualified benefits.

Referred to the Committee on Transportation.

Int. No. 1115

By Council Members Greenfield, Brewer, Fidler, Dickens, Gentile, James, Koo, Koslowitz, Mendez, Nelson, Palma, Richards and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on the annual holiday of Tisha B'av.**

*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 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, on Tisha B'av, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 1116

By Council Members Jackson, Dickens, Gentile, James, Koo, Mendez, Palma, Richards, Rose and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on blocks adjacent to filming.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.2 to read as follows:

§ 19-163.2 *Suspension of parking regulations for filming.* a. The issuance of a permit by the mayor's office of film theatre and broadcasting that authorizes filming and/or related activity shall result in suspension of alternate side of the street parking rules for the duration of such permit or seven days whichever is shorter on all blocks adjacent to and any portion of which is within two hundred feet of the location of the filming and/or related activity, and where such filming and/or related activity results in a loss of alternate side parking spaces or spaces where there are no restrictions.

b. In accordance with subdivision c of section 19-175.2 of this subchapter, the party to whom a permit is issued by such mayor's office shall immediately post notice of the parking rule suspensions in the blocks where parking rules are suspended in accordance with subdivision a of this section. The specific content of such notice shall be approved by the commissioner at the commissioner's discretion.

c. The party to whom a permit is issued by the mayor's office shall either arrange for any such blocks where alternate side parking rules are suspended as a result of such filming to be cleaned to the satisfaction of the department of sanitation following such filming, or shall provide funds to the department of sanitation to cover the cost of such cleaning. The department of sanitation shall establish by rule a schedule to determine the amount of funds to be provided in such circumstances, based upon criteria including but not limited to the size of the area to be cleaned and the cost of cleaning.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1866

**Resolution calling upon the New York State Legislature to pass and the Governor to sign into law A.2448 and S.4142, which would allow sixteen and seventeen year olds to be appointed to New York City Community Boards.**

By Council Members Jackson, Brewer, Barron, Chin, Comrie, James, Lander, Mendez, Palma, Richards and Rose.

**Whereas**, Current regulations prohibit anyone under the age of eighteen from becoming a member of a New York City Community Board; and

**Whereas**, Many sixteen and seventeen year olds are active members of their communities and pay New York City income and sales tax, yet have no civic voice on how these revenues are spent; and

**Whereas**, Sixteen and seventeen year olds are legally accountable for breaking the law and can be arrested, tried and imprisoned as adults, but have no legal venue for advisement on community needs, programs, services, development project and land use issues; and

**Whereas**, Sixteen and seventeen year olds contribute to community based agencies, not for profit agencies and municipal bodies, including advisory bodies in the various Borough Presidents' offices; and

**Whereas**, New Yorkers in this age group further contribute to the wellbeing of communities as counselors in day camps, jurists on Peer and Youth courts, and peacemakers in conflict resolution and mediation programs; and

**Whereas**, Research has shown that greater social engagement among youth provides numerous benefits to their local communities and improves their professional development as well as many other human welfare indicators; and

**Whereas**, The benefits of youth engagement in civic processes has been demonstrated in consistent and powerful ways, including through youth commissions in San Francisco and Philadelphia, and

**Whereas**, New York City Community Boards are composed of dedicated and able volunteers who could serve as role models and mentors to emerging young civic actors, and should be opened to include members who are 16 and 17 years old; and

**Whereas**, A.2448, currently pending in the New York State Assembly and companion bill S.4142, currently pending in the New York State Senate lower the minimum age for New York City Community Board members from eighteen to sixteen; 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.2448 and S.4142 which would allow sixteen and seventeen year olds to be appointed to New York City Community Boards.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 1867

**Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 888-A, Proposed Int. No. 889-A, Proposed Int. No. 893-A, and Proposed Int. No. 894-A.**

By Council Members James, Jackson, Rose and Wills.

**Whereas**, The enactment of Proposed Int. No. 888-A, Proposed Int. No. 889-A, Proposed Int. No. 893-A, and Proposed Int. No. 894-A is each an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

**Whereas**, An Environmental Assessment Statement for these bills was prepared on behalf of the Office of the Mayor and the Council, which are co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, and Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

**Whereas**, The Council, as a co-lead agency has considered the relevant environmental issues as documented in the Environmental Assessment Statements attendant to such enactments and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statements; and

**Whereas**, After such consideration and examination, the Council has determined that Negative Declarations should be issued; and

**Whereas**, The Council has examined, considered and endorsed the Negative Declarations that were prepared; now, therefore, be it

**Resolved**, That the Council of the City of New York, having considered the Negative Declarations, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statements, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declarations constitute the written statement of facts and conclusions that form the basis of these determinations.

Adopted by the Council (preconsidered by the Committee on Sanitation and Solid Waste Management).

Int. No. 1117

By Council Members Lander, Brewer, Comrie, Fidler, James, Mendez and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the compilation of Citi Bike usage data.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189 to read as follows:

§ 19-189 Citi bike usage data. a. Definitions. For the purposes of this section "citi bike" shall mean New York city's bike share program.

b. The department shall compile data on each citi bike trip including the duration, the start date and time, the end date and time, the start station, the end station, the bike number, and the membership type, but shall not include personally-identifiable information.

c. Beginning on January 1, 2014, and quarterly thereafter, the department shall post the citi bike usage data required by subdivision b of this section on its website in a commonly available non-proprietary format or spreadsheet format that is suitable for analysis. The department shall also simultaneously provide the council with a report on such citi bike usage data aggregated by month, quarter, and year as such data is available and disaggregated by council district and community district as applicable.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 1118

By Council Members Lander, Brewer, Chin, James, Mendez, Richards and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to a bus rapid transit plan.**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended to add a new chapter 8 to read as follows:

**CHAPTER 8 - BUS RAPID TRANSIT**

§ 19-801 Bus rapid transit plan. Not more than two years after the effective date of this section, the department shall, following consultation with the metropolitan transit authority and with input from the public, submit to the council, the borough presidents and the community boards and post on the department's website a plan to create a citywide network of bus rapid transit lines connecting the boroughs of the city of New York. Such plan shall include, but not be limited to: (1) identifying areas of the city in need of additional rapid transit options, (2) priority corridors for additional intra-borough and inter-borough bus rapid transit lines serving those areas that the department intends to establish in the ten years following the release of such plan, (3) strategies for integration with current and future rapid transit and ferry lines in the region and (4) the anticipated capital and operating costs of such additional bus rapid transit lines.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1868

**Resolution calling upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.**

By Council Members Levin, Barron, Brewer, Dickens, Lander, Mendez and Rose.

**Whereas**, The New York City Housing Authority ("NYCHA") is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

**Whereas**, The majority of NYCHA's housing stock is over fifty years old; and

**Whereas**, In 2006, a physical needs assessment conducted by NYCHA indicated that NYCHA must invest \$25 billion in capital funds over 15 years to keep its housing in a state of good repair, which includes making needed repairs and upgrades to brickwork, roofs, elevators, building systems and apartment interiors; and

**Whereas**, The bulk of NYCHA's capital funds come from federal grants and these grants have declined substantially in recent years, falling from \$420 million

annually in 2001 to \$270 million annually in 2012; and

**Whereas**, According to an August 2008 report by Manhattan Borough President Scott Stringer entitled "Land Rich, Pocket Poor ("the Report")," there are 30.5 million square feet of unused development rights in NYCHA developments throughout Manhattan alone; and

**Whereas**, Unused development rights present an opportunity for NYCHA to generate revenue and address its budget needs; and

**Whereas**, NYCHA should conduct a thorough survey to determine exactly how much leasable property it owns throughout the city; and

**Whereas**, The data should be identified by block and lot, lot area, lot frontage, lot depth, potential gross floor area, square footage, buildable square footage and existing zoning and floor area ratio potential; and

**Whereas**, Additionally, NYCHA should estimate the number of buildings, floors and units that can be built on each site and what number and percentage of those units might be used for residential purposes including affordable housing; and

**Whereas**, NYCHA should also estimate the market value of each lot they identify; and

**Whereas**, These survey results should be posted on NYCHA's website and made searchable in an open data format by borough, block, development, community district, council, senate, assembly and congressional districts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Housing Authority to conduct a survey of its entire portfolio to determine how much leasable property is owned throughout the city.

Referred to the Committee on Public Housing.

Res. No. 1869

**Resolution calling on the New York State Assembly to pass A.7823, the New York State Senate to pass companion bill S.5810, and the Governor to sign such legislation into law, which would provide a property tax exemption for privately owned vacant land while such property is being used for the public benefit.**

By Council Members Levin, Chin, Comrie, Dickens, Lander, Mendez, Rose and Wills.

**Whereas**, In the urban landscape of the city of New York, there is a demand for public space and a need for the benefits that derive therefrom; and

**Whereas**, It has been shown that public spaces such as community gardens stabilize neighborhoods and add vitality to their immediate surroundings; and

**Whereas**, In addition to community gardens, urban farms have proven to be a crucial link in providing fresh food of different varieties to areas that may not have sufficient access to such fresh food; and

**Whereas**, So-called "pop-up parks," or land that is intentionally temporarily transformed into park area, are another recent urban development that provide additional space to the public for rest and recreation; and

**Whereas**, The aforementioned publicly beneficial uses of vacant land could improve the quality of life in any neighborhood in the city; and

**Whereas**, There exist in the city numerous parcels of privately owned vacant land, which are not currently under development for economic or other reasons; and

**Whereas**, Private owners of such vacant land may need financial incentive to develop their property, even temporarily, into positive amenities for the public; and

**Whereas**, A.7823, introduced on June 5, 2013 in the New York State Assembly, and S.5810, introduced on June 17, 2013 in the New York State Senate, would provide such a financial incentive in the form of a property tax exemption for privately owned vacant property for so long as such property is limited to use for the public benefit; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass A.7823, the New York State Senate to pass companion bill S.5810, and the Governor to sign such legislation into law, which would provide a property tax exemption for privately owned vacant land while such property is being used for the public benefit.

Referred to the Committee on Finance.

Int. No. 1119

By Council Members Oddo, Ignizio, Ulrich, Comrie, Fidler, Gentile, James, Koo, Mendez, Richards, Rose, Wills and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance and execution of orders concerning mold conditions in abandoned or foreclosed residential properties.**

*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 17-145.1 to read as follows:

§ 17-145.1 *Declaration of mold in abandoned or foreclosed residential properties a nuisance. Whenever there shall be an abandoned or foreclosed residential property containing mold, such mold being visible or demonstrable from the exterior of the property, the board may declare such conditions a nuisance and order such conditions to be removed, abated, suspended, altered, or otherwise improved or purified, as such order shall specify, and the board shall file among its records what it shall regard as sufficient proof to authorize such order. The borough presidents and members of the council of the city of New York are authorized to provide the department with information in writing concerning one or more properties within their respective borough or district, where such mold conditions may be found. Within thirty days of the receipt of such information, the department must reply to such borough president or member of the council in writing with a statement indicating whether or not the board has issued an order relating to the removal, abatement, suspension or altering of such conditions, and in the event the board has determined not to issue such an order, the department must provide a written explanation of such determination to such borough president or member of the council of the city of New York.*

§ 2. Section 17-146 of the administrative code of the city of New York is amended to read as follows:

§ 17-146 Stay of execution; modification. If any party, within three days after service or attempted service of such order as set out in section 17-145, or in the case of an order issued pursuant to section 17-145.1, within thirty-five days after the date of service or attempted service of such order or after fifty days after the date of service or attempted service of such order if such owner has requested an extension within the initial thirty-five day period, upon him or her and before its execution is commenced, shall apply to the board, or the chairperson thereof, to have such order or its execution stayed or modified, it shall then be the duty of the board to temporarily suspend or modify it at the execution thereof, save in cases of imminent peril to the public health, when the board may exercise extraordinary powers, as specified in section five hundred sixty-three of the charter and to give such party or parties together, as the case in the opinion of such board may require, a reasonable and fair opportunity to be heard before it and to present facts and proofs, according to its rules and directions, against such declaration and the execution of such order, or in favor of its modification, according to the regulation of the board. Such board shall enter in its minutes such facts and proofs as it may receive and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its declaration and order, and require execution of the original, or of a new or modified order to be made in such form and effect as it may finally determine.

§ 3. Section 17-147 of the administrative code of the city of New York is amended to read as follows:

§ 17-147 Execution. If such order is not complied with, or so far complied with as the board may regard as reasonable, within five days after service or attempted service or within any shorter time which, in case of imminent peril to the public health, the board may have designated, or is not thereafter speedily and fully executed, then such order may be executed as any of the orders of the board or department, except that, with respect to an order issued pursuant to section 17-145.1, the order may not be executed prior to thirty-five days from the date of service or attempted service of such order or prior to fifty days from the date of service or attempted service of such order if such owner has requested an extension within the initial thirty-five day period. Any agency of the city is authorized to act as agent of the department in executing such order. In the event that any agency shall so act, it shall certify and transmit to the department its expenses in the execution of such order separately in respect of each separately owned parcel of property. Such expenses shall be reimbursed to such agency and shall be chargeable and collectible as expenses of the department in connection with the execution of an order as referred to in this chapter.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Health.

Preconsidered Int. No. 1120

By Council Members Oddo, Recchia, The Speaker (Council Member Quinn), Ignizio, Vallone, Jr., Chin, Comrie, Dickens, Eugene, Fidler, Gentile, Koo, Koslowitz, Richards, Williams, Wills, Halloran, Nelson and Dromm (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-240 to read as follows:

§ 11-240 Rebate for owners of certain real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve.

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, for the fiscal year beginning on the first of July, two thousand twelve, a rebate of real property taxes in the amount provided in this section shall be paid by the commissioner of finance to an owner who owned eligible real property as defined in subdivision three of this section or a unit in such eligible real property on the thirtieth of October, two thousand twelve. If legal title to eligible real property, or ownership of shares of stock representing a dwelling unit, is held by one or more trustees, the beneficial owner or owners shall be deemed to own the property or dwelling unit for purposes of this section. Notwithstanding any provision of article four of the real property tax law to the contrary, an owner whose property is receiving benefits pursuant to any other section of article four of the real property tax law shall not be prohibited from receiving a rebate pursuant to this section if such owner is otherwise eligible to receive such rebate.

2. Definitions. As used in this section:

a. "Annual tax" means the amount of real property tax that is imposed on a property for the fiscal year beginning on the first of July, two thousand twelve, determined after reduction for any amount from which the property is exempt, or which is abated, pursuant to applicable law.

b. "Assessed valuation" means the assessed valuation of real property that was used to determine the annual tax as defined in paragraph a of this subdivision, and which is not reduced by any exemption from real property taxes. For real property classified as class two or class four real property as defined in subdivision one of section eighteen hundred two of the real property tax law to which subdivision three of section eighteen hundred five of the real property tax law applies, the assessed valuation is the lower of the assessed valuation and transitional assessed valuation as provided in subdivision three of section eighteen hundred five of the real property tax law, and which is not reduced by any exemption from real property taxes.

c. "Commissioner of finance" means the commissioner of finance of the city of New York, or his or her designee.

d. "Cooperative development" means, with respect to properties described in subparagraph (c) of paragraph class one of subdivision one of section eighteen hundred two of the real property tax law, all of the properties, including the land and improvements thereon, as to which the land is held by a single cooperative corporation.

e. "Department of buildings" means the department of buildings of the city of New York.

f. "Department of finance" means the department of finance of the city of New York.

g. "Owner" means the owner of real property, or a tenant-stockholder of a unit in real property held in the cooperative form of ownership on the thirtieth of October, two thousand twelve.

3. Eligible real property. a. For purposes of this section, "eligible real property" means any tax lot that contained, on the applicable taxable status date, class one, class two or class four real property as such classes of real property are defined in subdivision one of section eighteen hundred two of the real property tax law, on which any building has been designated by the department of buildings in accordance with paragraph b of this subdivision.

b. For purposes of this section, a building has been designated by the department of buildings if:

(1) during the period beginning on the first of November, two thousand twelve and ending on the thirtieth of November, two thousand twelve, after inspection by the department, such building has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, and such determination has been indicated by a notation on such department's records and/or by the posting of a red placard warning on the building; or

(2) during the period beginning on the first of November, two thousand twelve and ending on the thirtieth of November, two thousand twelve, after inspection by the department, such building has been determined to require repairs or to have a restricted area and such determination has been indicated by a notation on such department's records and/or by the posting of a yellow sticker on the building, and during the period beginning on the first of December, two thousand twelve and ending on the twenty-eighth of December, two thousand twelve, after inspection by the department, such building has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve, and such determination has been indicated by a notation on such department's records and/or by the posting of a red placard warning on the building.

4. Amount of rebate. a. The amount of the rebate to be paid by the commissioner of finance for eligible real property pursuant to subdivision one of this section shall be equal to two-thirds of the annual tax, multiplied by a fraction, the numerator of which is equal to that portion of the assessed valuation of the eligible real property that is attributable to the improvements on the property, and the denominator of which is equal to the total assessed valuation of the eligible real property.

b. Except as provided in subdivision five of this section, for property held in the cooperative form of ownership, the amount of the rebate to be paid to the owner of a unit therein shall be equal to that proportion of the amount calculated under paragraph a of this subdivision that is attributable to such unit, as

determined by the proportional relationship of the owner's share or shares of stock in the cooperative apartment corporation that owns such real property to the total outstanding stock of the cooperative apartment corporation.

c. Eligible real property with no annual tax shall not be eligible for a rebate under this section.

5. Calculation of rebate for certain class one real property consisting of one family house structures situated on land held in cooperative ownership.

a. Notwithstanding the provisions of subdivision four of this section, the amount of the rebate to be paid by the commissioner of finance to the owner of a building that was designated by the department of buildings in accordance with paragraph b of subdivision three of this section, that is located on eligible real property that is described in subparagraph (c) of paragraph class one of subdivision one of section eighteen hundred two of the real property tax law, shall be equal to two-thirds of the annual tax on the property of the cooperative development, (1) multiplied by a fraction, the numerator of which is equal to that portion of the assessed valuation of the eligible real property in the cooperative development that is attributable to the improvements on the property, and the denominator of which is equal to the total assessed valuation of the eligible real property in the cooperative development, and (2) multiplied by a second fraction, the numerator of which is equal to the number of buildings in the cooperative development that have been designated by the department of buildings in accordance with paragraph b of subdivision three of this section, and the denominator of which is the total number of buildings that were located in the cooperative development as of the twenty-eighth day of October, two thousand twelve, then (3) divided by the number of buildings in the cooperative development that have been designated by the department of buildings in accordance with paragraph b of subdivision three of this section.

b. Eligible real property described in this subdivision with no annual tax shall not be eligible for a rebate under this section.

6. Mailing of rebate. a. The commissioner of finance shall mail the rebate authorized by this section to the person whose name appears on the records of the department of finance as the owner of the eligible real property or unit located therein on the thirtieth of October, two thousand twelve, at an address on the records of the department of finance as the address of such owner, and if no such address appears on the records of the department of finance, then to the address, if any, appearing in the latest assessment roll as the address of the owner of the eligible real property. Notwithstanding the previous sentence, if an owner has notified the United States postal service of a forwarding address for mail that would otherwise have been sent to any of the addresses described in the previous sentence, then the commissioner of finance may mail the rebate authorized by this section to such forwarding address.

b. Notwithstanding paragraph a of this subdivision, with respect to any rebate to which an owner of a building that was designated by the department of buildings in accordance with paragraph b of subdivision three of this section that is located on eligible real property that is described in subparagraph (c) of paragraph class one of subdivision one of section eighteen hundred two of this chapter is entitled under this section, the commissioner of finance shall mail the rebate to the cooperative development of which the owner's property is a part, at the address on the records of the department of finance as the address of the cooperative corporation that is the owner of the land included in the cooperative development, and if no such address appears on the records of the department of finance, then to the address, if any, appearing in the latest assessment roll as the address of the owner of such land. Notwithstanding the previous sentence, if the cooperative corporation has notified the United States postal service of a forwarding address for mail that would otherwise have been sent to any of the addresses described in the previous sentence, then the commissioner of finance may mail the rebate authorized by this section to such forwarding address.

7. Recovery of erroneous rebate. If the commissioner of finance determines (a) that an owner who received a rebate was not entitled to a rebate under this section, or (b) that a rebate was paid or calculated in error under this section, the commissioner of finance shall recover or recalculate such rebate and the amount of the rebate or an amount equal to the difference between the rebate originally paid and the amount to which the owner was entitled shall be deducted from any refund or rebate otherwise payable to the owner, and any balance of such amount remaining unpaid shall be paid to the commissioner of finance no later than the due and payable date provided on a notice of the amount payable mailed by the commissioner of finance. Such amount payable shall constitute a tax lien on the real property owned by such owner as of the due and payable date provided on such notice, and, if not paid by such due and payable date, interest at the rate applicable to delinquent real property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment, and such amount payable shall be enforceable as a tax lien in accordance with provisions of law relating to the enforcement of tax liens in any such city.

8. Rebate not deemed a refund. Any rebate authorized by this section to be paid by the commissioner of finance shall not be deemed to be a refund of a real property tax payment.

9. Overpayment. If, in any proceeding brought pursuant to article seven of the real property tax law, the assessed valuation of eligible real property is reduced for the fiscal year beginning on the first of July, two thousand twelve, and such reduction results in a return of overpayment of real property taxes paid with respect to such fiscal year, the amount of such overpayment shall be reduced by the amount of any rebate paid pursuant to this section. If such overpayment is returned before a rebate is paid pursuant to this section, the amount of any rebate paid pursuant to this section shall be reduced by the amount of such overpayment.

10. *Rulemaking. The commissioner of finance shall be authorized to promulgate rules necessary to effectuate the purposes of this section.*

§ 2. This local law shall take effect on the same date as a chapter of the laws of 2013 amending the real property tax law relating to a rebate of real property taxes on real property seriously damaged by the severe storm that occurred on the twenty-ninth and thirtieth of October, two thousand twelve in a city having a population of one million or more, as proposed in legislative bill number S.3702-B, takes effect.

Adopted by the Council (preconsidered by the Committee on Finance).

Int. No. 1121

By The Public Advocate (Mr. de Blasio) and Council Member James.

**A Local Law to amend the New York city charter, in relation to requiring disclosure by elected officials related to their meetings with lobbyists.**

*Be it enacted by the Council as follows:*

Section 1. Section 8 of the New York city charter is amended by adding a new subdivision h, to read as follows:

*h. The mayor shall publish, on the website of the office of the mayor, a list of all meetings he or she attended at which a registered New York city lobbyist was present and engaging in lobbying activities. Such list shall be in chronological order, and for each such meeting shall include the name of the registered New York city lobbyist, the name of the client such lobbyist was representing at the meeting, if any, the date of the meeting, and a brief description of the subject matter of the meeting. Such list shall commence on the effective date of this law or the date the mayor takes office, whichever is later, and shall be updated at least once per month. For the purposes of this subdivision, "registered New York city lobbyist" shall mean individuals who appeared in the online lobbyist database maintained by the city clerk, or successor, at any time during the calendar year preceding the meeting. "Lobbying activities" shall have the same definition as in section 3-211 of the administrative code.*

§2. Section 24 of the New York city charter is amended by adding a new subdivision o, to read as follows:

*o. The public advocate shall publish, on the website of the office of the public advocate, a list of all meetings he or she attended at which a registered New York city lobbyist was present and engaging in lobbying activities. Such list shall be in chronological order, and for each such meeting shall include the name of the registered New York city lobbyist, the name of the client such lobbyist was representing at the meeting, if any, the date of the meeting, and a brief description of the subject matter of the meeting. Such list shall commence on the effective date of this law or the date the public advocate takes office, whichever is later, and shall be updated at least once per month. For the purposes of this subdivision, "registered New York city lobbyist" shall mean individuals who appeared in the online lobbyist database maintained by the city clerk, or successor, at any time during the calendar year preceding the meeting. "Lobbying activities" shall have the same definition as in section 3-211 of the administrative code.*

§3. Section 28 of the New York city charter is amended by adding a new subdivision h, to read as follows:

*h. The council shall publish, on the council website, a list of all meetings each council member attended at which a registered New York city lobbyist was present and engaging in lobbying activities. Such list shall be in chronological order by council member, and for each such meeting shall include the name of the registered New York city lobbyist, the name of the client such lobbyist was representing at the meeting, if any, the date of the meeting, and a brief description of the subject matter of the meeting. Such list shall commence on the effective date of this law or the date the council member takes office, whichever is later, and shall be updated at least once per month. Each council member shall provide such list of his or her meetings and monthly updates to the speaker or his or her designee, who shall be responsible for such publication. For the purposes of this subdivision, "registered New York city lobbyist" shall mean individuals who appeared in the online lobbyist database maintained by the city clerk, or successor, at any time during the calendar year preceding the meeting. "Lobbying activities" shall have the same definition as in section 3-211 of the administrative code.*

§4. Section 82 of the New York city charter is amended by renumbering subdivision 16 as 17, and by adding a new subdivision 16, to read as follows:

*h. Each borough president shall publish, on the website of the office of such borough president, a list of all meetings he or she attended at which a registered New York city lobbyist was present and engaging in lobbying activities. Such list shall be in chronological order, and for each such meeting shall include the name of the registered New York city lobbyist, the name of the client such lobbyist was representing at the meeting, if any, the date of the meeting, and a brief description of the subject matter of the meeting. Such list shall commence on the effective date of this law or the date such borough president takes office, whichever is later, and shall be updated at least once per month. For the purposes of this subdivision, "registered New York city lobbyist" shall mean individuals who appeared in the online lobbyist database maintained by the city clerk, or successor, at any time during the calendar year preceding the meeting. "Lobbying activities" shall have the same definition as in section 3-211 of the administrative code.*

§5. Section 93 of the New York city charter is amended by adding a new subdivision s, to read as follows:

*s. The comptroller shall publish, on the website of the office of the comptroller, a list of all meetings he or she attended at which a registered New York city lobbyist was present and engaging in lobbying activities. Such list shall be in chronological order, and for each such meeting shall include the name of the registered New York city lobbyist, the name of the client such lobbyist was representing at the meeting, if any, the date of the meeting, and a brief description of the subject matter of the meeting. Such list shall commence on the effective date of this law or the date the comptroller takes office, whichever is later, and shall be updated at least once per month. For the purposes of this subdivision, "registered New York city lobbyist" shall mean individuals who appeared in the online lobbyist database maintained by the city clerk, or successor, at any time during the calendar year preceding the meeting. "Lobbying activities" shall have the same definition as in section 3-211 of the administrative code.*

§6. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1122

By The Public Advocate (Mr. de Blasio) and Council Members Chin and James.

**A Local Law to amend the administrative code of the city of New York, in relation to proactively publishing records of public interest online.**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 7 to read as follows:

**CHAPTER 7**

**PROACTIVE PUBLICATION OF RECORDS OF PUBLIC INTEREST**

§ 23-701 Definitions

§ 23-702 Records of public interest

§ 23-701 Definitions. *As used in this chapter, "agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

§ 23-702 Records of public interest. *a. Pursuant to the provisions of this section each agency shall publish, on its website, to the extent practicable, records or portions of records created on or after the effective date of the local law that added this chapter that are available for inspection by the public in accordance with any provision of law, which, in consideration of their nature, content or subject matter, are of substantial interest to the public. Any such records may be removed from the website when they have reached the end of their legal retention period. Records of public interest shall include, but not be limited to, the following: approved minutes of all open public meetings held by the agency; all public notices regarding proposed regulations, policies, and scheduled hearings; all public forms and applications administered by the agency; and a list of all contracts awarded by the agency. The department of records and information services shall promulgate rules establishing guidelines for creating records in accessible formats and ensuring their continuing accessibility.*

*b. The provisions of subdivision a of this section shall not apply to records or portions of records that are subject to the disclosure requirements of chapter 5 of title 23 of the administrative code or section 1133 of the New York city charter, and shall not apply to records or portions of records the disclosure of which would constitute an unwarranted invasion of personal privacy as such term is defined by the public officers law, or would be a violation of any other law.*

§ 2. This local law shall take effect ninety days after its enactment into law, except that the commissioner of records and information services shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Preconsidered Res. No. 1870

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

By Council Members Recchia and Comrie.

**Whereas**, On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget 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 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas,** On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget 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,** On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget 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,** On June 19, 2009 the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Industrial Business Servers Providers PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Jobs to Build On Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to OST Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 14; and be it

further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantry Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth PEG Restoration Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 22.

Adopted by the Council (preconsidered 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. 1870 printed in these Minutes).

Int. No. 1123

By Council Members Vacca, Brewer, Chin, James, Mendez, Palma, Richards and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring all HAIL vehicles be accessible to those with visual impairments.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-538 of the administrative code of the city of New York is amended to read as follows:

§ 19-538 Vision impairment accessibility requirements. a. For the purposes of this section, "accessible to people with vision impairments" shall mean a taxicab *or HAIL vehicle* that is equipped with instructions for contacting the commission in Braille and large-print text and if such taxicab *or HAIL vehicle* has payment technology installed, such technology must provide a payment option to permit visually impaired passengers to pay unassisted. Such payment option shall have audio instruction and shall have audible announcements of the initial charge, the fare periodically during the trip, at the end of the trip, and when there is a rate code change and/or toll charge, in such manner as provided for and adopted by the commission.

b. Commencing May 1, 2013, all taxicabs must be accessible to people with vision impairments. *Commencing November 1, 2013, all HAIL vehicles shall be accessible to people with visual impairments.* The instructions about contacting the commission described in subdivision a of this section shall be on the same side and in the same passenger compartment in each taxicab *or HAIL vehicle*, and the payment technology described in subdivision a of this section shall be in the same passenger compartment in each taxicab *or HAIL vehicle*.

c. The commission may by rule establish greater levels of accessibility for taxicabs *or HAIL vehicles* than those required by this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 1124

By Council Members Vallone, Jr., Chin, Fidler, Gentile, James, Koo, Nelson, Richards, Rose, Wills and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to community board notification prior to installing or removing traffic calming devices or installing traffic control signals or devices.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189 to read as follows:

§ 19-189 *Community board notification prior to installing traffic calming devices or traffic control signals or devices.* a. *For the purposes of this section, "traffic calming device" shall have the same meaning as in section 19-183 of this subchapter.*

b. *Not less than forty-five days prior to the proposed installation or removal of a traffic calming device by the department or at the behest of the department, or prior to the undertaking of a study by the department or at the behest of the department to determine whether a traffic control signal or device would be warranted at a location pursuant to the manual on uniform traffic control signals or devices, the department shall notify via facsimile and electronic mail the respective community board or boards having jurisdiction of the location where such traffic calming device or traffic control signal or device is proposed to be installed. From the time of such notification to the time of such proposed installation or removal, such community board may provide comments regarding such proposed installation or removal to the department.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 1125

By Council Members Vallone, Jr., Chin, Dickens, Dromm, Mendez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to animal shelters.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-803 of the administrative code of the city of New York, as added by local law number 26 for the year 2000 and last amended by local law number 59 for the year 2011, is amended to read as follows:

§ 17-803 *Animal shelters.* *The department shall ensure that a full-service shelter is maintained in each borough of the city of New York.*

a. *A full-service shelter shall be maintained and operated in each [of three boroughs] borough of the city of New York. At least one of the full-service shelters shall be open to the public for the purpose of receiving animals twenty-four hours per day, seven days per week.*

b. *[Facilities to receive lost, stray or homeless dogs and cats from the public shall be maintained seven days per week, twelve hours per day in those boroughs of the city in which there is not a full-service shelter.*

c. *Field services having the capacity to pick up and bring to a shelter lost, stray, homeless or injured dogs and cats from all five boroughs shall be maintained and operated seven days per week, twelve hours per day. Where public health and safety is threatened, they shall have the capacity to pick up such animals twenty-four hours per day.*

§2. This local law shall take effect 180 days after its enactment into law.

Referred to the Committee on Health.

Int. No. 1126

By Council Members Wills, Barron, Dickens, Fidler, Mendez, Richards and Rose.

**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 notification when sexual offenders enter shelter and when the agency converts shelters for families with children to shelters for adults.**

*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 21-316 to read as follows:

§21-316. a. *Definitions.* *For the purposes of this section the following terms shall have the following meanings:*

1. *"Community board" shall mean the group of persons that represent the interests of a community district as defined by section 2800 of the charter of the city of New York.*

2. *"Shelter" shall mean 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.*

b. *Beginning no later than January 1, 2014, the department shall determine*

*whether an individual admitted to shelter is a convicted sexual offender. Upon determining a person's status as such an offender, the department shall provide notification in writing within ten days of such offender entering shelter to any community board and council member in whose district such shelter is located, as well as to the police precinct where such shelter is located. The department shall also provide notification in writing within thirty days of converting a shelter for families with children to a shelter serving only adults to any community board and council member in whose district such shelter is located.*

c. *The department shall conduct mental health and criminal background assessments on all adults entering shelter.*

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1127

By Council Members Wills, Comrie, Dickens, James, Mendez, Richards and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the number of shelters in community districts.**

*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 21-316 to read as follows:

§21-316. a. *Definitions.* *For the purposes of this section the following terms shall have the following meanings:*

1. *"Community district" shall mean a historic, geographic and identifiable community as defined by section 2701 of the charter of the city of New York.*

2. *"Shelter" shall mean 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.*

b. *Beginning no later than January 1, 2014, the department shall limit the number of shelters located in each community district within the city of New York to no more than one-third of the total number of shelters located in the borough where such community district is located. The department shall reduce the number of shelters located in any community district where such number exceeds one-third of the total number of shelters located in the borough where such community district is located.*

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1128

By Council Members Wills, Dickens, Barron, James, Koo, Mendez, Richards and Rose.

**A Local Law to amend the administrative code of the city of New York in relation to requiring food service establishments to provide hand sanitizer dispensaries in close proximity to buffet stands.**

*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 17-198 to read as follows:

a. *For the purposes of this section, "food service establishment" means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.*

b. *Food service establishments that operate or maintain a self-service salad bar or buffet shall be required to provide a hand sanitizer dispensary in close proximity to such salad bar or buffet, but no closer than six feet to and no further than twelve feet from such salad bar or buffet.*

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Health.

Res. No. 1871

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.1419/A.3473, allowing baccalaureate, advanced degree programs, and certain educational and training activities to count towards the satisfaction of work activity requirements for Temporary Assistance for Needy Families program participants.**

By Council Members Wills, Chin, Mendez, Richards and Rose.

**Whereas,** The Temporary Assistance for Needy Families (“TANF”) program provides public assistance to needy families through federal funds given to states allowing them to develop and implement their own public assistance programs; and

**Whereas,** TANF mandates that recipients who are determined to be work-eligible must engage in approved work activities in order to receive public assistance; and

**Whereas,** TANF includes twelve categories of work activities that can count towards work participation, including but not limited to, vocational and educational training; and

**Whereas,** TANF regulations state that any recipient can participate in vocational and educational training for up to 12 months, which can include postsecondary education; and

**Whereas,** TANF allows, but does not require, states to count bachelor’s degree programs as work activities to satisfy work participation; and

**Whereas,** Obtaining a bachelor’s degree can increase earnings and lessen dependence on public assistance; and

**Whereas,** According to a Community Service Society and Resilience Advocacy Project report titled “Missed Opportunity: How New York City Can Do a Better Job of Reconnecting Youth On Public Assistance to Education and Jobs,” education is the best way to prepare young people to succeed in the labor market and lifetime earnings increase as individuals attain higher levels of education; and

**Whereas,** For example, according to the Department of Labor in 2009, individuals without a high school diploma earned an average of \$450 a week, compared to an average of \$1,057 for those with a bachelor’s degree; and

**Whereas,** Studies show that 87 percent of welfare recipients who receive a two-year degree never return to public assistance and those who earn a bachelor’s degree remain off of public assistance nearly 100 percent of the time; and

**Whereas,** In New York State, public assistance is administered by the Office for Temporary and Disability Assistance (“OTDA”), and the Human Resources Administration (“HRA”) is the agency that provides assistance to eligible applicants; and

**Whereas,** OTDA and HRA do not include participation in bachelor’s degree programs in the definition of vocational educational and training; and

**Whereas,** If New York State passes and the Governor signs S.1419/A.3743, public assistance recipients in New York will be able to attend bachelor’s degree programs in order to satisfy their work participation requirement for public assistance; 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.1419/A.3473, allowing baccalaureate, advanced degree programs, and certain educational and training activities to count towards the satisfaction of work activity requirements for Temporary Assistance for Needy Families program participants.

Referred to the Committee on General Welfare.

Preconsidered L.U. No. 871

By Council Member Recchia:

**153 Manhattan Ave., Block 1843, Lots 14, 15, 16, Manhattan, Community District No. 7, Council District No. 8**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 872

By Council Member Recchia:

**74 West 105 Street, Block 1840, Lot 60, Manhattan Community District No. 7, Council District No. 8**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 873

By Council Member Comrie:

**Application No. 20145031 PNM, pursuant to § 1301(2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York, acting through the Department of Small Business**

**Services, as landlord, and Hornblower New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Monday, August 19, 2013**

Subcommittee on **ZONING & FRANCHISES** .....**9:30 A.M.**  
See Land Use Calendar Available, Wednesday, August 14, 2013  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING  
& MARITIME USES** .....**11:00 A.M.**  
See Land Use Calendar Available Wednesday, August 14, 2013  
Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS &  
CONCESSIONS** ..... **1:00 P.M.**  
See Land Use Calendar Available Wednesday, August 14, 2013  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**Tuesday, August 20, 2013**

Committee on **LAND USE** .....**10:00 A.M.**  
All items reported out of the subcommittees  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

**Thursday, August 22, 2013**

Committee on **FINANCE** ..... **10:00 A.M.**  
Agenda to be announced  
Committee Room – City Hall.....Domenic M. Recchia, Chairperson

Committee on **RULES, PRIVILEGES & ELECTIONS** .....**10:30 A.M.**  
Agenda to be announced  
Committee Room – City Hall..... Joel Rivera, Chairperson

*Stated Council Meeting* ..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*  
*Location* ..... *~ Council Chambers ~ City Hall*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Thursday, August 22, 2013.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int Nos. 1003-A, 1010-A, 1042-A, 1045-A, and 1057, all adopted by the Council at the June 12, 2013 Stated Meeting, were signed into law by the Mayor on July 1, 2013 as, respectively, Local Laws Nos. 47, 48, 49, 50, and 51 of 2013.*

*Int No. 906-A, adopted by the Council at the June 26, 2013 Stated Meeting, and Int No. 1048-A, adopted by the Council at the June 24, 2013 Stated Meeting, were both signed into law by the Mayor on July 9, 2013 as, respectively, Local Laws Nos. 52 and 53 of 2013.*