

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**THURSDAY, APRIL 29, 2010**

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Thursday, April 29, 2010, 2:50 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	Domenic M. Recchia, Jr.
Charles Barron	David G. Greenfield	Diana Reyna
Gale A. Brewer	Daniel J. Halloran III	Joel Rivera
Fernando Cabrera	Vincent M. Ignizio	Ydanis A. Rodriguez
Margaret S. Chin	Robert Jackson	Deborah L. Rose
Leroy G. Comrie, Jr.	Letitia James	James Sanders, Jr.
Elizabeth S. Crowley	Peter A. Koo	Larry B. Seabrook
Daniel Dromm	G. Oliver Koppell	Eric A. Ulrich
Mathieu Eugene	Karen Koslowitz	James Vacca
Julissa Ferreras	Bradford S. Lander	Peter F. Vallone, Jr.
Lewis A. Fidler	Jessica S. Lappin	Albert Vann
Helen D. Foster	Stephen T. Levin	James G. Van Bramer
Daniel R. Garodnick	Melissa Mark-Viverito	Mark S. Weprin
James F. Gennaro	Michael Nelson	Thomas White, Jr.
Vincent J. Gentile	James S. Oddo	Jumaane D. Williams

Excused: Council Members Dickens, Dilan, Mealy, Mendez and Palma.

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 46 Council Members present at this Stated Meeting.*

**INVOCATION**

The Invocation was delivered by Rev. Billy Yip, Chinese Herald Christian Crusade, 48 Allen Street, New York, NY 10002.

Dear Almighty God,  
thank you for all the elected officials here in this Chamber.  
They are not only chosen by the people to represent them,

but they have also been chosen by you  
as a channel of blessings to the people in this great City.  
As they gather here today to share, discuss and decide  
on the well being of the people of this great City,  
I pray for your special guidance for this session.  
Bless their heart and bless their mind.  
Make each one of them a blessing to the people they represent,  
and bless each one of them with peace, joy, wisdom, courage and strength  
in their service to the people.  
In the name of the Almighty, we pray.  
Amen.

Council Member Chin 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:

Benjamin Hooks, 85, who died on April 15, 2010, was a giant of the Civil Rights era. He participated in the sit-ins, boycotts and related demonstrations of the 1950s and 1960s and was recruited by Dr. Martin Luther King, Jr. to be a member of the board of the Southern Christian Leadership Conference. In 1977, he became head of the NAACP and led this organization until 1992. He was buried in his birthplace of Memphis, Tennessee.

Dorothy I. Height, 98, who died on April 20, 2010, was called the Godmother of the Civil Rights era by President Barack Obama. Her social activism started during the New Deal and included a forty year tenure as President of the National Council of Negro Women. Her work with the National Council included issues of voting rights, poverty, and HIV/ AIDS.

James Neil, 45, who died on April 26, 2010, was a veteran MTA track worker who was killed on the job when he slipped and fell in the rain on a third rail. His death is the first in the line of duty for an MTA worker since 2007.

Harry Wieder, 57, who died on April 27, 2010, was a long-time member of Manhattan Community Board 3 and an active member of the disabled community and an LGBT activist. He was hit and killed by a taxi as he crossed Essex Street on the Lower East Side in Manhattan.

During this segment of the Meeting, the Speaker (Council Member Quinn) yielded the floor to Council Member Deborah Rose who spoke in honor of both Dorothy Height and Benjamin Hooks.

Also, at this point the Speaker (Council Member Quinn) yielded the floor to the Deputy Majority Leader (Council Member Comrie) who asked for a Moment of Silence in memory of community leader and former staff member Jefferson Diggs. Mr. Diggs, 76, who died on April 13, 2010, was known as a historian, reporter, writer, musician, theologian, and counselor and was recognized as a community elder and activist in Southeast Queens. The Deputy Majority Leader (Council Member Comrie) extended his condolences to Mr. Diggs's wife Sonia and his entire family.

**ADOPTION OF MINUTES**

Council Member Gentile moved that the Minutes of the Stated Meeting of March 3, 2010 be adopted as printed.

## LAND USE CALL UPS

M-88

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 533 Grand Street, Community Board 1, Application 20105403 TCK shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-89

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 623 Grand Street, Community Board 1, Application 20105442 TCK shall be subject to review by the Council.**

Coupled on Call – Up Vote

## LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **46**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittees.

## REPORTS OF THE STANDING COMMITTEES

## Report of the Committee on Consumer Affairs

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

Report for Int. No. 182

**Report of the Committee on Consumer Affairs in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to sound reproduction devices on sight-seeing buses.**

The Committee on Consumer Affairs, to which the annexed proposed local law was referred on April 29, 2010, respectfully

## REPORTS:

## I. INTRODUCTION

On Wednesday, April 28, 2010, the Committee on Consumer Affairs, chaired by Council Member Karen Koslowitz, will vote on Preconsidered Introductory Bill No. 182 (“Preconsidered Intro. 182”), a Local Law to amend the administrative code of the city of New York, in relation to sound reproduction devices on sight-seeing buses. The Committee held its first hearing on this bill on April 12, 2010, at which Department of Consumer Affairs, various community boards, neighborhood advocacy groups and activists and other interested parties testified.

## II. BACKGROUND

New York City has long benefited from its status as one of the world’s most popular tourist destinations. Many industries, including hotels, restaurants, entertainment venues, museums, bars, night clubs, and guided tours, have built their fortunes on the undeniable draw of the Big Apple. In 2008, the most recent year for which complete statistics on tourism in New York City are available, visitors to the five boroughs spent \$32.1 billion and paid \$8.26 billion in taxes.<sup>1</sup> That year, tourism also supported 313,997 jobs in the city and contributed to \$17.19 billion in wages.<sup>2</sup>

One obvious beneficiary of New York City’s popularity is the sight-seeing industry. According to the Department of Consumer Affairs, there are currently 12 licensed sight-seeing companies operating approximately 250 buses in New York City. Given that a significant percentage of motorcoach companies nationally offer tourism-related services,<sup>3</sup> it is not surprising that they, too, have also enjoyed a great deal of financial success.<sup>4</sup> In 2007, for example, sales of scenic and sight-seeing services by motorcoach companies totaled nearly \$3 billion.<sup>5</sup>

Despite their growing popularity with visitors to New York City and the revenue they generate within the city, however, sight-seeing buses have also been a nuisance in the lives of many locals since they were first introduced in the early 1990s. In 1997, double-decker sight-seeing buses received negative attention in the press when several Hell’s Kitchen residents complained vocally about noise produced by the idling buses and their loudspeakers at a nearby rest area.<sup>6</sup> Noise pollution continues to be a nuisance in neighborhoods such as the West Village, where in 2008 residents secured an agreement from Gray Line New York Sightseeing and CitySights NY, two of the city’s biggest tour bus companies, to abstain from the using the public address system on Bleecker Street.<sup>7</sup> At a September 2009 Consumer Affairs hearing on sight-seeing buses in New York City, loud noise produced by sight-seeing buses’ amplification systems was among the most frequently expressed complaints by residents and neighborhood activists. Many testified that while they supported the tourism industry in New York City, the volume of the tours’ narrations was disrupting the peace and tranquility of their neighborhoods and apartments.

## III. CURRENT REGULATION OF BUSES IN NEW YORK CITY

Sight-seeing buses in New York City are licensed by the Department of Consumer Affairs (DCA). Pursuant to Subchapter 21 of Chapter 2 of Title 20 of the Administrative Code, a sight-seeing bus must be licensed in order to operate in New York City; the license is granted to the owner of the bus. Section 20-372 (4) of the Administrative Code defines a “sight-seeing bus” as

A motor vehicle designated to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.<sup>8</sup>

There are no limits on the number of sight-seeing buses that may receive DCA licenses, but each bus must conform to specific emission standards as set forth by the Clean Air Act<sup>9</sup> and is required to be inspected regularly to ensure compliance.<sup>10</sup>

## IV. PRECONSIDERED INTRO. 182

Preconsidered Intro. 182 would require that all open-air sight-seeing buses be equipped with headphone-limited sound reproduction devices by July 2015, in order to reduce excessive noise from the buses on residential streets. Once enacted, any open-air sight-seeing bus not previously licensed to operate in New York City would be required to use a headphone-limited sound reproduction system to ensure that the tour guide’s voice is only audible to those on the bus via headphones and cannot be heard by those on the sidewalk and in nearby buildings. The legislation

for the Lower Ma\_\_\_\_\_

<sup>1</sup> NYC Statistics,” NYC & Company, Available at [http://www.nycgo.com/?event=view\\_article&id=78912](http://www.nycgo.com/?event=view_article&id=78912), Accessed on March 31, 2010.

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

<sup>3</sup> Bourquin, P., “Motorcoach Census 2008,” Nathan Associates Inc., December 18, 2008, at 6.

<sup>4</sup> Damuth, R., “The Economic Impacts and Social Benefits of the U.S. Motorcoach Industry,” Nathan Associates, Inc., December 2008, at 13.

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

<sup>6</sup> Kierby, D., “Neighborhood Report: Clinton; Fighting Tour Buses, Picture May Be Worth 1,000 Petitions,” *N.Y. Times*, November 16, 1997.

<sup>7</sup> Mindlin, A., “The Sound and the Fury,” *N.Y. Times*, February 17, 2008, at 5.

<sup>8</sup> NYC Ad Code §20-372(4)

<sup>9</sup> NYC Ad Code §20-376

<sup>10</sup> NYC Ad Code §20-378

defines an open-air sight-seeing bus as one that has seating that is entirely or partially unenclosed.

A gradual “phase-in” of the new technology would begin on July 1, 2011, when at least 10 percent of every sight-seeing bus fleet operating open-air buses would be required to be equipped with headphone-limited sound reproduction systems. This percentage would increase July 1 of each subsequent year, with 40 percent of each fleet required to use this technology in 2012, 60 percent in 2013, and 80 percent in 2014. By July 1, 2015, all buses would be required to be equipped with a headphone-limited sound reproduction system, regardless of when they were originally licensed.

The Department of Consumer Affairs would be responsible for verifying by inspection that the sight-seeing bus companies are compliance with the “phase-in” schedule of the new sound reproduction technology. Additionally, the sight-seeing bus license holder of each fleet will be required to provide the Department of Consumer Affairs annually a list of buses that are equipped with the headphone-limited sound reproduction system.

Any sight-seeing bus found in noncompliance with the provisions of this bill would incur a fine of between \$200 and \$750 per bus per day. If a fleet does not comply with the applicable percentages specified in the “phase-in” schedule, the Commissioner would also suspend the licenses of as many buses as found to not be in compliance. For example, if under the new law 10 buses in a fleet are required to install the new technology but only 9 buses are in compliance by the deadline, the licensee would be subject to a fine for one bus in addition to having one bus license suspended until the quota is met.

By April 1, 2016 any open-air sight-seeing bus that is not equipped a with headphone- limited sound reproduction system would not be permitted to renew its license and its existing license would become void.

(The following is from the text of the Fiscal Impact Statement for Int. No. 182:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There is a potential impact on revenues through the collection of fines resulting from the enactment of this legislation. However, there is no way to estimate the actual impact at this time.

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

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

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

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Walter Pitts, Legislative Financial Analyst

**HISTORY:** A hearing was held on this Preconsidered Item by the Committee on Consumer Affairs on April 12, 2010 and the item was laid over. This legislation will be considered by the Committee on Consumer Affairs on April 28, 2010 and introduced and considered by the full Council on April 29, 2010

Accordingly, this Committee recommends its adoption.

(For text of Int No. 182, please see the Introduction and Reading of Bills section printed in these Minutes).

KAREN KOSLOWITZ, Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, G. OLIVER KOPPELL, JULISSA FERRERAS, Committee on Consumer Affairs, April 28, 2010.

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 of the Committee on Finance**

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 Res. No. 206

**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 Fiscal 2010 Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on April 29, 2010, 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 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”). On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the “Fiscal 2009 Expense Budget”). On June 15, 2007, the Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the “Fiscal 2008 Expense Budget”).

**Analysis.** This Resolution, dated April 29, 2010, amends the description for the Description/Scope of Services for the Central Harlem Interagency Program, Inc. organization receiving local discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “Parenting workshops.” This Resolution now changes the Description/Scope of Services to read: “To help cover cost to develop curriculum for bi-monthly parenting program workshops.”

Also, this Resolution amends the description for the Description/Scope of Services for the Soundview Community In Action, Inc. organization receiving local discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “The funds will support the continued operation of the organization’s technology center, which provides free internet access and computer training to community youths and adults.” This Resolution now changes the Description/Scope of Services to read: “These funds will support the continued operation of the organization’s technology center, which provides free internet access, computer training and internet education to community youths and adults. This funding is also provided for equipment for the technology center, including, but not limited to, copy machines, projectors, televisions and gaming systems.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Staten Island Economic Development Corporation receiving local discretionary funding within the budget of the Department of Small Business Services. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “To provide economic development programs and events.” This Resolution now changes the Description/Scope of Services to read: “The Staten Island Development Corporation will use the funds to expand training materials and informational outreach brochures, in order to increase capacity to serve additional families along with early childhood programs on Staten Island who can benefit from the free assistance this office provides.”

Further, this Resolution amends the description for the Description/Scope of Services for the Thelma Hill Performing Arts Center, Inc. organization receiving youth discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “Martial arts for youth with Embora.” This Resolution now changes the Description/Scope of Services to read: “For the ticket subsidy program. This subsidy program will allow the distribution of sixty complimentary tickets per season to the surrounding community for Thelma Hill Performing Arts Center’s June Dance Festival.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Education Through Music, Inc. organization receiving local discretionary funding within the budget of the Department of Cultural Affairs. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “For ETM’s partnerships with St. Anselm School and St. Athanasius School in Council District 17, which provides weekly music education to each of the

over 625 children at these 2 schools.” This Resolution now changes the Description/Scope of Services to read: “To fund musical program development at Public School 48X (1290 Spofford Avenue, Bronx, NY 10474) and Middle School 424X (730 Bryant Avenue, Bronx, NY 10474).”

Also, this Resolution amends the description for the Description/Scope of Services for the Museum of the City of New York receiving local discretionary funding within the budget of the Department of Cultural Affairs. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “For an exhibit of public housing in NYC.” This Resolution now changes the Description/Scope of Services to read: “To begin the digitization of a large collection of historical photographs of the City.”

Additionally, this Resolution amends the description for the Description/Scope of Services for the Friends of Cunningham Park, Inc. receiving local discretionary funding within the budget of the Department of Parks & Recreation. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “For maintenance and possible purchase of tractor for grasslands and ball fields of Cunningham Park.” This Resolution now changes the Description/Scope of Services to read: “For projection equipment, film rentals and insurance.”

Moreover, this Resolution amends the description for the Description/Scope of Services for the Hispanic Federation, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “Funds will be used to serve local cultural groups in the District 10 area and will expose youth to arts, sports, and recreational activities.” This Resolution now changes the Description/Scope of Services to read: “The funds will be used to support the programs of the Hispanic Federation.”

In addition, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. Additionally, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget.

Also, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving discretionary funding in accordance with the Fiscal 2008 Expense Budget.

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 2008, Fiscal 2009, and Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of aging discretionary funding, as described in Chart 2, attached hereto as Exhibit B; sets forth new designations and changes in the designation of youth discretionary funding, as described in Chart 3, attached hereto as Exhibit C; and sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 4-9, attached hereto as reflected in Exhibits D-I; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain local and youth discretionary funding in the Fiscal 2009 Expense Budget, as set forth in Charts 10-11, as reflected in Exhibit J-K; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain discretionary funding in the Fiscal 2008 Expense Budget, as set forth in Chart 12, as reflected in Exhibit L.

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 2010 Expense Budget, dated June 19, 2009, or the

Adjustments Summary/Schedule C/ Fiscal 2009 Expense Budget, dated June 29, 2008, or the

Adjustments Summary/Schedule C/ Fiscal 2008 Expense Budget, dated June 15, 2007; name of the organization; organization’s Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

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 2010 Expense Budget. Additionally, Chart 1 reflects a negative balance of \$50,000. This balance is a result of the aggregation of 4 separate contracts with the New York Agency for Community Affairs (NYACA), Inc., an organization receiving local discretionary funding within the budget of the Department of Housing Preservation & Development into 1 single contract with a new purpose of funds. The individual NYACA programs funded in Schedule C totaled \$85,000. This Resolution designates \$35,000 of that amount into a single NYACA program with a new purpose of funds. The Description/Scope of Services for NYACA’s program funded in the amount of \$35,000 in the Fiscal 2010 Expense Budget will now read: “To conduct outreach, education and organizing for tenants in expiring Section 8 housing projects and in buildings undergoing predatory equity buyouts, and to participants in the Housing Stability Plus.”

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2010 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 2010 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2010 Expense Budget. Specifically, Polonians Organized to Minister Our Community (POMOC), Inc., EIN 11-2594500, will act as the fiscal conduit for this allocation.

Chart 5 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 6 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 2010 Expense Budget. Specifically, Chart 6 indicates an EIN correction. The correct EIN for The New Bronx Chamber of Commerce, an organization receiving funding pursuant to the MWBE Leadership Association Initiative, is 37-1443165.

Chart 7 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 2010 Expense Budget. Specifically, Chart 7 indicates an EIN correction. The correct EIN for Amethyst Women’s Project, Inc., an organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative, is 11-3505513.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2010 Expense Budget. Specifically, Chart 8 indicates a site change. The Fiscal 2010 Expense Budget listed the “Ridgewood Bushwick Senior Citizens Council, Inc. - Hope Gardens Multi-Service Center” as the site for this programming. Programming will be delivered instead at the Ridgewood Bushwick Senior Citizens Council, Inc. main site. This Resolution makes this change. Additionally, the Fiscal 2010 Expense Budget listed the “Mount Sinai (Manhattan) - Bayard Rustin SBHC”, EIN 13-1624096, as the name and EIN of an organization receiving funding pursuant to this initiative. The correct name and EIN for this organization is the “Mount Sinai School of Medicine of New York University”, EIN 13-6171197.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cancer Initiative in accordance with the Fiscal 2010 Expense Budget. Specifically, Chart 9 indicates a site change. The Fiscal 2010 Expense Budget listed the “Ridgewood Bushwick Senior Citizens Council, Inc. - Hope Gardens Multi-Service Center” as the site for this programming. Programming will be delivered instead at the Ridgewood Bushwick Senior Citizens Council, Inc. main site. This Resolution makes this change.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving discretionary funding in accordance with the Fiscal 2008 Expense Budget.

It is to be noted that organizations identified in the attached charts with an asterisk (\*) have not yet completed or begun the prequalification process conducted

by the Mayor's Office of Contract Services (for organizations receiving more than \$10,000) or by the Council (for organizations receiving \$10,000 or less total). Organizations identified without an asterisk have completed the appropriate prequalification review.

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 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

#### **BUDGET DISCLOSURES related to the April 29, 2010 Transparency Resolution**

The following disclosures were made by Council Members pursuant to City conflicts of interest rules. The disclosures were required if the Member, or anyone with whom the Member was associated, was involved with a group for which the Member sought funding. Certain involvements, however, do not require disclosure, including board memberships without a vote (usually, *ex officio* or honorary), advisory board memberships, non-policy making volunteer positions, and ordinary memberships in organizations.

##### *Disclosures*

Council Member Mark Weprin disclosed that his sister-in-law, Ronni Weprin, works for Queensborough College, an entity funded by the City Council, as the Director of External Affairs.

Accordingly, this Committee recommends the adoption of Res No. 206.

**(The following is the text of Res No. 206):**

Res. No. 206

#### **Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Members Recchia and Comrie.

**Whereas,** On June 19, 2009 the Council of the City of New York (the "City 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 Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Central Harlem Interagency Program, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Soundview Community In Action, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Staten Island Economic Development Corporation, within the budget of the Department of Small Business Services; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving youth discretionary funding, the Thelma Hill Performing Arts Center, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Education Through Music, Inc., within the budget of the Department of Cultural Affairs; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Museum of the City of New York, within the budget of the Department of Cultural Affairs; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Friends of Cunningham Park, Inc., within the budget of the Department of Parks & Recreation; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary

funding, the Hispanic Federation, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the New York Agency for Community Affairs (NYACA), Inc., within the budget of the Department of Housing Preservation & Development; 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 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, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding; and

**Whereas,** On June 15, 2007, the City Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the "Fiscal 2008 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2008 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving discretionary funding; now, therefore, be it

**Resolved,** That the City Council approves the new Description/Scope of Services for the Central Harlem Interagency Program, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "To help cover cost to develop curriculum for bi-monthly parenting program workshops."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Soundview Community In Action, Inc receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "These funds will support the continued operation of the organization's technology center, which provides free internet access, computer training and internet education to community youths and adults. This funding is also provided for equipment for the technology center, including, but not limited to, copy machines, projectors, televisions and gaming systems."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Staten Island Economic Development Corporation organization receiving local discretionary funding within the budget of the Department of Small Business Services to read: "The Staten Island Economic Development Corporation will use the funds to expand training materials, informational outreach brochures, in order to increase capacity to serve additional families along with early childhood programs on Staten Island who can benefit from the free assistance this office provides."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Thelma Hill Performing Arts Center, Inc. receiving youth discretionary funding within the budget of the Department of Youth and Community Development to read: "For the ticket subsidy program. This subsidy program will allow the distribution of sixty complimentary tickets per season to the surrounding community for Thelma Hill Performing Arts Center's June Dance Festival."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Education Through Music, Inc. receiving local discretionary funding within the budget of the Department of Cultural Affairs to read: "To fund program development at Public School 48X (1290 Spofford Avenue, Bronx, NY 10474) and Middle School 424X (730 Bryant Avenue, Bronx, NY 10474)."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Museum of the City of New York receiving local discretionary funding within the budget of the Department of Cultural Affairs to read: "To begin the digitization of a large collection of historical photographs of the City."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Friends of Cunningham Park, Inc. receiving local discretionary funding within the budget of the Department of Parks & Recreation to read: "For projection equipment, film rentals and insurance."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Hispanic Federation, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "The funds will be used to support the programs of the Hispanic Federation."; and be it further

**Resolved,** The City Council approves the new Description/Scope of Services for the New York Agency for Community Affairs (NYACA), Inc., within the budget of the Department of Housing Preservation & Development to read: "To conduct outreach, education and organizing for tenants in expiring Section 8 housing projects and in buildings undergoing predatory equity buyouts, and to participants in the Housing Stability Plus."

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; 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 as set forth in Chart 3, attached hereto as Exhibit C; 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 Immigrant Opportunities Initiative Initiative, as set forth in Chart 4, attached hereto as Exhibit D; 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 Food Pantries Initiative, as set forth in Chart 5, attached hereto as Exhibit E; 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 MWBE Leadership Association Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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 HIV/AIDS Faith Based Initiative, as set forth in Chart 7, attached hereto as Exhibit G; 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 Infant Mortality Reduction Initiative, as set forth in Chart 8, attached hereto as Exhibit H; 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 Cancer Initiative, as set forth in Chart 9, attached hereto as Exhibit I; 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 2009 Expense Budget, as set forth in Chart 10, attached hereto as Exhibit J; 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 2009 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving discretionary funding in accordance with the Fiscal 2008 Expense Budget, as set forth in Chart 12, attached hereto as Exhibit L.

**ATTACHMENT:**

**EXHIBIT A**

CHART 1: Local Initiatives (continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Spansoring Organization	Fiscal Conduit EIN
Foster	Mount Hermon Baptist Church	13-3897121	DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	National Council of Chinese Association, Inc.	13-2860948	DYCD	\$4,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York City Coalition Against Hunger, Inc.	13-3713303	DYCD	\$4,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York City Coalition Against Hunger, Inc.	13-3713303	DYCD	\$2,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York Council of Mafians	26-1110126	DYCD	\$2,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York Council of Mafians	26-1110126	DYCD	\$1,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York Walkers Club, Inc.	22-3936093	DYCD	\$2,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York Walkers Club, Inc.	22-3936093	DYCD	\$2,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Samanitan Village, Inc.	11-2635374	DYCD	\$7,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Samanitan Village, Inc.	11-2635374	DYCD	\$1,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Second Prince of Peace Baptist Church	13-3281035	DYCD	\$5,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Sedgwick Development Residents Council	04-3674936	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Sedgwick Development Residents Council	04-3674936	DYCD	\$500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Stop The Violence	36-4605924	DYCD	\$2,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Stop The Violence	36-4605924	DYCD	\$1,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Walker Memorial Baptist Church	13-2532322	DYCD	\$4,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Woodycrest Center for Human Development, Inc.	13-3184179	DYCD	\$10,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Woodycrest Center for Human Development, Inc.	13-3184179	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Palma	Knowledge Project, The	13-3639510	DYCD	(\$3,500.00)	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Palma	Children's Creative Writing Campaign, Inc. - Knowledge Project	13-3639510	DYCD	(\$3,500.00)	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
DeBlasio	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$20,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Palma	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$20,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Sanders, Jr	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$35,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Vivento	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$10,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
DeBlasio	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$35,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Palma, Sanders	New York Agency for Community Affairs (NYACA), Inc.	72-1367956	HPD	(\$50,000.00)	806	009	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818

\*\* Indicates a correction from the previous transparency resolution on 3/25/2010

EXHIBIT B

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/EIN *
Mendez	Sound Portraits Productions, Inc.	13-3753011	DFTA	(\$3,500.00)	125	003	
Mendez	StoryCorps, Inc.	13-3753011	DFTA	\$3,500.00	125	003	
Vacca	San Gerardo Senior Center	52-1468491	DFTA	(\$10,500.00)	125	003	
Vacca	San Gerardo Senior Center	43-2061329	DFTA	\$10,500.00	125	003	
				\$0.00			

\* Indicates pending completion of pre-qualification review.

EXHIBIT C

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/EIN *
Mendez	Urban Mission, Inc.	13-3535276	DYCD	(\$5,500.00)	260	312	
Mendez	Bela Abram Leathershop	13-3544284	DYCD	(\$5,000.00)	260	312	
Koco	Marin Luther King, Jr. Memorial Day Care Center	11-2196556	DYCD	(\$5,000.00)	260	312	
Koco	Flushing Day Care Center, Inc. - Marlin Luther King, Jr.	11-2196556	DYCD	(\$5,000.00)	260	312	
Koco	Memorial Day Care Center	11-2196556	DYCD	\$5,000.00	260	312	
Koco	Brooklyn Child Development Center	23-7096635	DYCD	(\$4,500.00)	260	312	
Koco	Child Development Center	23-7096635	DYCD	\$4,500.00	260	312	
Foster	Resurrection Sports Association	00-0119247	DYCD	(\$2,000.00)	260	312	Bergen Basin Community Millennium Development 11-3198040
Foster	Resurrection Sports Association	11-1635113	DYCD	\$2,000.00	260	312	Bergen Basin Community Millennium Development 11-3198040
Williams	Hampden's New York	11-1861287	DYCD	(\$5,000.00)	260	312	Millennium Development 11-3198040
Williams	Hampden's New York	14-1861287	DYCD	\$5,000.00	260	312	Millennium Development 11-3198040
Eugene	TEAPO, Inc.	11-3456201	DYCD	(\$4,000.00)	260	312	
Eugene	New York Teens Empowering More People Onward (NY TEMPO), Inc.	38-3896444	DYCD	\$4,000.00	260	312	
Genille	Play Sports for Life	20-0029252	DYCD	(\$2,000.00)	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc. 11-3233233
Genille	Play Rugby, Inc.	20-0029252	DYCD	\$2,000.00	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc. 11-3233233
Foster	BronxWorks, Inc.	13-3254284	DYCD	(\$2,000.00)	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc. 11-3233233
Foster	Highbridge Voices Corporation	13-3254284	DYCD	\$2,000.00	260	312	Bay Ridge Benschurist Beautification and Preservation Alliance, Inc. 11-3233233
Foster	Concourse Village Youth Center	41-2237085	DYCD	(\$1,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Directions For Our Youth, Inc.	06-1308451	DYCD	(\$1,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Directions For Our Youth, Inc.	06-1308451	DYCD	(\$500.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Feathered Lane Improvement Association, Inc.	13-2851009	DYCD	(\$10,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Gay and Lesbian Dominican Empowerment Organization	41-2237085	DYCD	(\$10,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Jackson	Gay and Lesbian Dominican Empowerment Organization	20-4736648	DYCD	(\$3,500.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Great Gospel Church	13-3093855	DYCD	(\$2,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Highbridge Voices Corporation	01-3419162	DYCD	(\$2,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Highbridge Voices Corporation	13-3254284	DYCD	(\$2,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	New St. John the Baptist Church	13-3706218	DYCD	(\$2,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	LechLINC Project, Inc. The	13-3706218	DYCD	(\$1,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	LechLINC Project, Inc. The	13-4358768	DYCD	(\$2,000.00)	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	LechLINC Project, Inc. The	13-4358768	DYCD	\$2,000.00	260	312	Allianza Dominicana, Inc. 13-3402057
Foster	Concourse Village Youth Center	41-2237085	DYCD	\$10,000.00	260	312	
Foster	Directions For Our Youth, Inc.	06-1308451	DYCD	\$500.00	260	312	
Foster	Directions For Our Youth, Inc.	06-1308451	DYCD	\$500.00	260	312	
Foster	Feathered Lane Improvement Association, Inc.	13-2851009	DYCD	\$10,000.00	260	312	
Foster	Gay and Lesbian Dominican Empowerment Organization	41-2237085	DYCD	\$10,000.00	260	312	
				\$0.00			

\* Indicates pending completion of pre-qualification review.

CHART 4: Immigrant Opportunities Initiative (IOI)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/EIN *
Staten Island	St. Stanislaus Kosika Church	13-5564133	DYCD	(\$50,000.00)	260	005	
Staten Island	St. Stanislaus Kosika Church**	13-5564133	DYCD	\$50,000.00	260	005	
				\$0.00			

\* Indicates pending completion of pre-qualification review.

\*\* Polonians Organized to Minister Our Community (POMOC), Inc. - 11-2594500 will act as the Fiscal Conduit.

CHART 3: Youth Discretionary (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit/EIN *
Jackson	Gay and Lesbian Dominican Empowerment Organization	20-4736648	DYCD	\$3,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Grace Gospel Church	13-3093855	DYCD	\$5,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Highbridge Voices Corporation	13-4191062	DYCD	\$2,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Highbridge Voices Corporation	13-4191062	DYCD	\$1,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New St. John the Baptist Church	13-3706218	DYCD	\$2,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New St. John the Baptist Church	13-3706218	DYCD	\$1,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	TechLINC Project, Inc. The	13-4358768	DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	TechLINC Project, Inc. The	13-4358768	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
				\$0.00				

\* Indicates pending completion of pre-qualification review.

EXHIBIT D

EXHIBIT E

CHART 5: Food Pantries

Borough	Organization	EIN Number	Agency	Amount	Agy #	UA *
Brooklyn	Miller Avenue Block Association, Inc.	11-2752789	DYCD	(\$10,000.00)	260	005
Brooklyn	Love Peace and Joy Helping Hand		DYCD	(\$9,000.00)	260	005
Brooklyn	Flatbush Reformed Church		DYCD	(\$5,000.00)	260	005
Brooklyn	Holy Cross Church Food Pantry		DYCD	(\$5,000.00)	260	005
Brooklyn	City Harvest, Inc. - Flatbush Reformed Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Holy Cross Church Food Pantry	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	Love Peace and Joy Helping Hands, Inc.	20-2130738	DYCD	\$9,000.00	260	005
Brooklyn	City Harvest, Inc. - Miller Avenue Block Association, Inc.	13-3170676	DYCD	\$10,000.00	260	005
				\$0.00		

\* Indicates pending completion of pre-qualification review

EXHIBIT F

CHART 6: MWBE Leadership Association

Organization	EIN Number	Agency	Amount	Agy #	UA *
New Bronx Chamber of Commerce, The	37-1443165	DSBS	(\$50,000.00)	801	005
New Bronx Chamber of Commerce, The	37-1443165	DSBS	\$50,000.00	801	005
			\$0.00		

\* Indicates pending completion of pre-qualification review

EXHIBIT G

CHART 7: HIV/AIDS Faith Based Initiative

Organization	EIN Number	Agency	Amount	Agy #	UA *
Amethyst Women's Project, Inc.	13-3505513	DOHMH	(\$6,400.00)	816	112
Amethyst Women's Project, Inc.	11-3505513	DOHMH	\$6,400.00	816	112
			\$0.00		

\* Indicates pending completion of pre-qualification review

EXHIBIT H

CHART 8: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Ridgewood Bushwick Senior Citizens Council, Inc. - Hope Gardens Multi-Service Center	11-2453853	DOHMH	(\$26,101.14)	816	113
Ridgewood Bushwick Senior Citizens Council, Inc. - Main Site	11-2453853	DOHMH	\$26,101.14	816	113
Mount Sinai (Manhattan) - Bayard Rustin SBHC	13-1624095	DOHMH	(\$169,428.55)	816	113
Mount Sinai School of Medicine of New York University	13-6171197	DOHMH	\$169,428.55	816	113
			\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT I

CHART 9: Cancer Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Ridgewood Bushwick Senior Citizens Council, Inc. - Hope Gardens Multi-Service Center	11-2453853	DOHMH	(\$105,000.00)	816	113
Ridgewood Bushwick Senior Citizens Council, Inc. - Main Site	11-2453853	DOHMH	\$105,000.00	816	113
			\$0.00		

\* Indicates pending completion of pre-qualification review.

CHART 10: Local Initiatives-FY 2009 (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Foster	National Council of Ghanaian Association, Inc.	13-2866048	DYCD	\$1,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York City Coalition Against Hunger, Inc.	13-3471350	DYCD	\$3,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	New York Walkers Club, Inc.	22-3936093	DYCD	\$2,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Popham Gardens Homeowners Association	39-2054726	DYCD	\$500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Samethan Village, Inc.	11-2635374	DYCD	\$2,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Second Prince of Peace Baptist Church	13-3281035	DYCD	\$5,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Sedgwick Development Residents Council	04-3674936	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Stop The Violence	36-4605924	DYCD	\$1,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Walker Memorial Baptist Church	13-2533322	DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Woodcrest Center for Human Development, Inc.	13-3184179	DYCD	\$10,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
				\$0.00				

\* Indicates pending completion of pre-qualification review.

CHART 10: Local Initiatives-FY 2009

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Foster	1650 Grand Concourse Tenants Association	65-0549908	DYCD	\$4,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	161st Street Merchants Association, Inc.	30-0064721	DYCD	\$1,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Angels Unaware, Inc.	13-3753506	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Bethel Missionary Baptist Church	13-3753506	DYCD	\$3,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Bethel Missionary Baptist Church	56-2455549	DYCD	\$3,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Bethel Missionary Baptist Church	13-3929558	DYCD	\$1,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Clay Avenue Tenants Association, Inc.	65-1295226	DYCD	\$2,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Dabaron Civic Association, Inc.	13-3717137	DYCD	\$3,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Frederick Baptist Church	45-0566825	DYCD	\$2,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Grand Concourse SDA	13-3317688	DYCD	\$5,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Grand Concourse SDA	13-3584483	DYCD	\$5,000.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Greening For Breathing	83-0477820	DYCD	\$3,500.00	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Highbridge Community Life Center	13-3015539	DYCD	\$1,000.00	260	305	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Mount Hermon Baptist Church	13-3997121	DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818

\* Indicates pending completion of pre-qualification review.



CHART 12: Fiscal 2008

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Foster	New St. John the Baptist Church	13-278218	DYCD	\$2,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Poplham Gardens Homeowners		DYCD	\$500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	PS 212X		DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Renaissance - EMS	13-4122438	DYCD	\$2,500.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Resurrection Lutheran		DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	River Park Towers T.A.		DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Samaritan Village, Inc.	11-2655374	DYCD	\$2,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Second Prince of Peace Baptist Church	13-3281035	DYCD	\$5,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Sedgwick Development Residents Council	04-3674936	DYCD	\$2,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Seven O'Clock Club		DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Southeast Bronx Neighborhood Centers		DYCD	\$5,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	St. John's Evangelical Lutheran		DYCD	\$1,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Stop The Violence	36-4605924	DYCD	\$5,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	TechLINC Project, Inc. The	13-4359769	DYCD	\$5,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Truth In Action Coalition		DYCD	\$180.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	United Youth Baseball League		DYCD	\$2,507.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Walker Memorial Baptist Church	13-2532322	DYCD	\$7,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Woodcrest Center for Human Development, Inc.	13-3184178	DYCD	\$6,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Youth Builders, Inc.	16-1623801	DYCD	\$3,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Foster	Youth United Block Association	35-2329572	DYCD	\$4,000.00	260	312	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
				\$0.00				

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, April 29, 2010.

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 Juvenile Justice**

Report for Int. No. 37-A

**Report of the Committee on Juvenile Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to report on demographic data.**

The Committee on Juvenile Justice, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 318), respectfully

**REPORTS:**

**I. INTRODUCTION**

On Monday, April 26, 2010, the Committee on Juvenile Justice, chaired by Council Member Sara M. Gonzalez, will vote on Proposed Introductory Bill Number 37A ("Prop. Int. No. 37-A"), a local law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to report on demographic data. The committee will also vote on Proposed Introductory Bill Number 153-A ("Prop. Int. No. 153-A"), a local law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect. The committee will also vote on Preconsidered Resolution Number ("Preconsidered Res. No. ") which calls on the New York State Legislature and Governor Paterson to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest monies into alternative-to placement programs. The Committee previously held a hearing on the bills and resolution on April 21, 2010. Those invited to testify

at the hearing included the Administration for Children's Services ("ACS"), the Legal Aid Society, juvenile justice advocates and other interested organizations.

**II. BACKGROUND**

On January 20, 2010, during his State of the City speech, Mayor Bloomberg announced an overhaul of the City's juvenile justice system by stating that the Department of Juvenile Justice ("DJJ" or "the department") would be integrated into ACS<sup>1</sup>. While the Administration completes the integration, ACS Commissioner John B. Mattingly has been named the commissioner of DJJ.<sup>2</sup>

DJJ is charged with coordinating the detention of the City's justice involved youth. Today, DJJ manages three full service secure detention facilities: Bridges, Horizon and Crossroads Juvenile Centers, as well as 16 non-secure detention facilities located throughout the City. Youth, ages 7 through 15, that are detained in the Department's facilities include alleged juvenile delinquents and offenders whose cases are pending, and those whose cases have been adjudicated and are awaiting transfer to the New York State Office of Children and Family Services ("OCFS") facilities.<sup>3</sup>

DJJ secure detention facilities are characterized by locks on the doors and other restrictive hardware designed to limit the movement of the residents and to protect public safety.<sup>4</sup> Secure detention facilities maintain an 8 to 1 juvenile to staff ratio pursuant to State rules.<sup>5</sup>

DJJ's Non-Secure Detention ("NSD") facilities offer an alternative to secure detention for some of the youth remanded to DJJ's custody. NSD provides structured residential care for alleged juvenile delinquents awaiting disposition of their cases in a less restrictive setting.<sup>6</sup> NSD facilities are characterized by the absence of physically restrictive hardware, construction, and procedures. NSD offers youth a supportive, family-like environment and close supervision during their time in detention.<sup>7</sup> NSD accepts both male and female youths ranging in age from 7 to 16 years of age.<sup>8</sup> Pursuant to State rules, NSD facilities hold no more than 12 juveniles and must have at least two staff members on site.<sup>9</sup>

**III. Prop. Int. No. 37**

Currently, DJJ reports biannually on a number of indicators concerning the youth population under its jurisdiction in the Mayor's Management Report ("MMR") and the Preliminary Mayor's Management Report ("PMMR"). DJJ's portion of the MMR contains various indicators for several fiscal years while the PMMR contains various indicators for partial and full fiscal years. The indicators concerning the population in DJJ facilities contained in both the MMR and PMMR include: the number of total admissions, average length of stay and average daily population. For example, in FY 2009, 5,833 juveniles were admitted into DJJ facilities with an average length of stay of 26 days and an average daily population of 429.6.<sup>10</sup>

Currently, there is no requirement that DJJ publish data about youth detained in its facilities. Though the demographic indicators in the MMR and PMMR give a general view of the DJJ population, they provide very little information about detained youth themselves. The data provided is too general to be useful for the determination of detention trends, for oversight purposes or to assist in the development of juvenile justice policies. Though DJJ is forthcoming about more specific data concerning detained youth, the data it publishes is done on an ad hoc basis<sup>11</sup> or delivered through public presentations such as Council hearings or panel discussions. Requiring DJJ to post more detailed information concerning detained youth on its website on a regular basis will be a more useful tool for advocates as well as the City Council.

In order to have a better understanding about the youth that are detained in DJJ facilities, Prop. Int. No. 37-A requires DJJ to report on a number of more specific indicators than those contained in the MMR and PMMR. Subdivision a of Prop. Int. No. 37-A requires that DJJ, on a yearly basis, post a report on its website containing the total number of admissions to detention facilities in the previous fiscal year disaggregated by the following indicators: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time the department assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time the department assumed custody.

Subdivision b of Prop. Int. 37-A requires that DJJ, on a yearly basis, post a report on its website containing the average daily population in secure and NSD facilities. Furthermore, DJJ must also report on the total number of admitted youth who spent time either in NSD only, secure detention only, or both NSD and secure detention in the previous fiscal year, disaggregated by the following indicators: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time the department assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time the department assumed custody.

<sup>1</sup>Citing recent findings about the success of alternative to placement programs in reducing juvenile recidivism rates when compared to "dangerously dysfunctional" State residential facilities, the Mayor stated that, through integration, the City would be able to provide better services for those in detention and to provide stronger supervision for those who can be safely maintained in the community.

<sup>2</sup> Once the integration is complete, DJJ will be absorbed into ACS and it will administer the City's juvenile detention facilities and coordinate all supportive services.

<sup>3</sup> DJJ Website at: [http://www.nyc.gov/html/djj/html/mission\\_agencvinfo.html](http://www.nyc.gov/html/djj/html/mission_agencvinfo.html) - last visited on April 15, 2010.

<sup>4</sup> DJJ Website at <http://nyc.gov/html/djj/html/facilities.html> - last visited April 15, 2010.

<sup>5</sup> 9 NYCRR 180.9 (c) (15). \*According to the Department, the juvenile to staff ratio during night hours is 12 to 1. This is based on a state variance upon which the Department regularly applies for and receives.

<sup>6</sup> DJJ Website at <http://nyc.gov/html/Mi/html/nonsecure.html> - last visited April 15, 2010.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> 9 NYCRR 180.10 (b).

<sup>10</sup> Mayor’s Management Report Fiscal Year 2009.

<sup>11</sup> DJJ posted on its website the percentage of admissions by borough of court, gender and age and other information concerning its youth population. However, information has only been posted for fiscal year 2008. See: <http://www.nyc.gov/html/djj/html/numbers.html>.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 37-A:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON EXPENDITURES:** This legislation would have no impact on city expenditures as all of the data required to be reported on the Department of Juvenile Justice’s website is already compiled by the agency.

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

**SOURCE OF INFORMATION:** City Council Finance Division, Mayor’s Office of Legislative Affairs, and Department of Juvenile Justice

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director  
Eisha Wright, Supervising Legislative Financial Analyst

**HISTORY:** On February 21, 2010, Proposed Intro. 37 was introduced by the Council and referred to the Committee on Juvenile Justice. On April 21, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On April 26, 2010, the Committee considered an amended version of the legislation, Proposed Intro. 37-A. On April 29, 2010, the full Council will vote on Proposed Intro. 37-A.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 37-A:)**

Int. No. 37-A

By Council Members Gonzalez, Brewer, Fidler, James, Koppell, Lander, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders Jr., Jackson, Foster, Crowley, Halloran, Arroyo, Dilan, Williams, White, Levin and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to report on demographic data.**

*Be it enacted by the Council as follows:*

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

**CHAPTER 2**

**DEPARTMENT OF JUVENILE JUSTICE**

**§9-201 Demographic Data.**

*9-201 Demographic Data. a. Beginning no later than September 30<sup>th</sup> of the year of enactment of the local law that added this section and on or before September 30<sup>th</sup> of each year thereafter, the department of juvenile justice shall post a report on the department website regarding the total number of admissions to detention facilities in the previous fiscal year disaggregated by the following: (i)*

*age; (ii) gender; (iii) race; (iv) zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time the department assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time the department assumed custody.*

*b. Beginning no later than September 30<sup>th</sup> of the year of enactment of the local law that added this section and on or before September 30<sup>th</sup> of each year thereafter, the department of juvenile justice shall post a report on the department website regarding the average daily population in secure and non-secure detention facilities in the previous fiscal year and the number of youth admitted during the reporting period who spent time either in non-secure detention only, secure detention only, or both non-secure and secure detention, during the reporting period, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time the department assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time the department assumed custody.*

§2. This local law shall take effect sixty days after its enactment into law.

SARA M. GONZALEZ, Chairperson; JAMES SANDERS JR., MARIA DEL CARMEN ARROYO, DANIEL DROMM, Committee on Juvenile Justice, April 26, 2010.

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. 153-A

**Report of the Committee on Juvenile Justice in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.**

The Committee on Juvenile Justice, to which the annexed amended proposed local law was referred on April 14, 2010 (Minutes, page 1277), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Juvenile Justice for Int. No. 37-A printed in these Minutes.)**

Accordingly, this Committee recommends its adoption.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 153-A:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** This legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on city expenditures as all of the data required to be reported on the DJJ website is already compiled by the agency.

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

**SOURCE OF INFORMATION:** City Council Finance Division, Mayor’s Office of Legislative Affairs, and Department of Juvenile Justice.

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director  
Eisha Wright, Supervising Legislative Financial Analyst

**HISTORY:** On April 14, 2010, Proposed Intro. 153 was introduced by the Council and referred to the Committee on Juvenile Justice. On April 21, 2010, the Committee held a hearing regarding this legislation, which was then laid over. On April 26, 2010, the Committee considered an amended version of the legislation, Proposed Intro. 153-A. On April 29, 2010, the full Council will vote on Proposed Intro. 153-A.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 153-A:)**

Int. No. 153-A

By Council Members Gonzalez, Barron, Brewer, Chin, Dickens, Dromm, Fidler, Gentile, James, Koslowitz, Palma, Rodriguez, Sanders, Vann, Williams, Foster, Arroyo, Crowley, Dilan, White, Jackson, Levin and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of juvenile justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.**

*Be it enacted by the Council as follows:*

Section 1. Title nine of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

**CHAPTER 2**

**DEPARTMENT OF JUVENILE JUSTICE**

**§9-201 Incident Reports.**

9-201 a. *Definitions. For purposes of this section, the following terms shall have the following meanings:* 1. “Abused child” shall mean an “abused child in residential care” as defined in section 412-a of the New York social services law, except that for purposes of this section, “abused child” shall include a youth who is eighteen years of age or older and is in the custody of the department;

2. “Department” shall mean the department of juvenile justice;

3. “Mechanical restraint” shall mean the use of a mechanical device to restrict the movement or normal function of a portion of a child’s body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint;

4. “Neglected child” shall mean a “neglected child in residential care” as defined in section 412-a of the New York social services law, except that for purposes of this section, “neglected child” shall include a youth who is eighteen years of age or older and is in the custody of the department;

5. “Physical injury or impairment” shall mean the term as it is defined in section §412-a of the New York social services law;

6. “Physical restraint” shall mean the use of bodily force to limit a child’s freedom of movement during a physical confrontation or to prevent a confrontation; and

7. “Room confinement” shall mean the confinement of a child in a room, including but not limited to the child’s own room, when locked or when the child is authoritatively told not to leave.

b. *Quarterly incident reports. Within sixty days after the end of each quarter of the fiscal year, the department shall post a report on its website containing the total number of the following incidents for the previous quarter, for non-secure detention facilities and for each secure detention facility:*

1. use of physical restraint by department staff on children;

2. physical injuries or impairment to children as a result of the use of physical restraint;

3. use of mechanical restraint by staff on children;

4. physical injuries or impairment to children as a result of the use of mechanical restraint;

5. fights and altercations between children;

6. physical injuries or impairment to children as a result of fights with other children;

7. physical injuries or impairment to children resulting from any other means not previously mentioned; and

8. the number of room confinements and the length of stay for each instance.

c. *Annual incident reports. Within sixty days after the end of each fiscal year, commencing with the end of the fiscal year after the date of enactment of this chapter, the department shall post a report on its website containing the following data, disaggregated by secure or non-secure detention:*

1. the number of allegations made during the fiscal year that a child in a department detention facility was a neglected or abused child; and

2. the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a department detention facility was a neglected or abused child (including findings made during the fiscal year that substantiated allegations made prior to the fiscal year).

§2. This local law shall take effect sixty days after its enactment into law.

SARA M. GONZALEZ, Chairperson; JAMES SANDERS JR., MARIA DEL CARMEN ARROYO, DANIEL DROMM, Committee on Juvenile Justice, April 26, 2010.

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 Int. No. 99

**Report of the Committee on Land Use in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 940), respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE**

**20105557 LLY**

A local law to amend the New York City Charter, in relation to authorizing the Department of Transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.

**INTENT**

To ensure the uninterrupted provision of unsubsidized private bus service.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 22, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the proposed Introduction.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 99:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 10
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY** Nathan Toth, Assistant Director  
Chima Obichere, Supervising Legislative Financial Analyst

**HISTORY:** This bill was introduced and referred to the Land Use Committee on March 25, 2010. Considered and approved by the Land Use Committee on April 22, 2010.

Accordingly, this Committee recommends its adoption.

**ATTACHMENT to Committee Report:**

**MEMORANDUM IN SUPPORT**

**TITLE:** A LOCAL LAW to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services

**SUMMARY OF PROVISIONS:**

This local law would amend subdivision b of section 378 of the New York City Charter to authorize the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services until June 30, 2011.

**REASONS FOR SUPPORT:**

The franchise contracts of two private bus companies that do not receive a subsidy from the City are set to expire on June 30 of this year: Private Transportation Corp. and Private One of New York, LLC, d.b.a. New York Airport Service (NYAS). Private Transportation Corp. (Bus Route B-110) transports passengers between Williamsburg and Borough Park in Brooklyn. NYAS transports passengers between Manhattan and LaGuardia and Kennedy Airports and between the two airports.

The New York City Department of Transportation has issued a Request for Proposals for a franchisee to provide the service currently being provided by Private Transportation Corp. and expects to issue a Request for Proposals in the near future for a franchisee to provide the service currently being provided by Private One of New York, LLC. The process of entering into new franchise contracts will extend beyond June 30, 2010. The Mayor has therefore determined that there is a need to extend the operating authority of these bus companies in order to promote the public interest, enhance the health, welfare and safety of the public and stimulate commerce by ensuring the continued availability of unsubsidized private bus service and enhancing the City's transportation network.

The Department of Transportation, with the approval of the Franchise and Concession Review Committee, extended the operating authority of these non-subsidized, private bus companies until June 30, 2010, pursuant to Local Law 34 of 2009. This local law would allow for an extension of the operating authority of these non-subsidized bus companies until June 30, 2011 while the City continues the process to award new franchises for the service currently provided by such companies. The City Council has passed an authorizing resolution for this purpose.

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

Respectfully submitted,

Patrick A. Wehle

**(The following is the text of Int. No. 99:)**

Int. No. 99

By Council Member Comrie (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 378 of the New York city charter, as amended by local law 34 for the year 2009, is amended to read as follows:

b. Not later than the first day of March, nineteen hundred ninety, the mayor shall designate a single agency as the responsible agency for each type of franchise currently granted by the city. If such an agency intends to continue granting any such type of franchise, the agency shall submit to the council a proposed authorizing resolution for such type of franchise at least two years, or such shorter period as may be approved by the franchise and concession review committee, prior to the earliest expiration date of any existing franchise of that type; provided, however, that the department of transportation, with the approval of the franchise and concession review committee, may extend the expiration date of the operating authority of any private bus company that does not receive a subsidy from the city to a date not later than the thirtieth day of June, two thousand and [ten] *eleven*. Notwithstanding the provisions of section three hundred seventy-one, the public notice and hearing requirements of the franchise and concession review committee with respect to an approval of an extension of the operating authority of a private bus company shall be fully satisfied by a public hearing held after notice of such hearing shall have been published at least one day prior thereto in the City Record.

§2. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2010.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 64

**Report of the Committee on Land Use in favor of approving Application no. 20095372 TCM, pursuant to §20-225 (g) of the Administrative Code of the City of New York, concerning the petition of C.A.P. Restaurant Corp. d/b/a Sombrero, to construct, maintain and use an enclosed sidewalk café located at 303 West 48th Street, Borough of Manhattan, Council District no. 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1044), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20095372 TCM**

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of C.A.P. Restaurant Corp., d/b/a Sombrero, for a revocable consent to construct, maintain and use an enclosed sidewalk café located at 303 West 48<sup>th</sup> Street, Borough of Manhattan.

**INTENT**

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

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 211

**Resolution approving the petition for a revocable consent for an enclosed sidewalk café located at 303 West 48<sup>th</sup> Street, Borough of Manhattan (20095372 TCM; L.U. No. 64).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on March 19, 2010 its approval dated March 19, 2010 of the petition of C.A.P. Restaurant Corp., d/b/a Sombrero, for a revocable consent to construct, maintain and use an enclosed sidewalk café located at 303 West 48<sup>th</sup> Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, the Petition is subject to review by the Council pursuant to Section 20-225(g) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on April 20, 2010; and

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

**RESOLVED:**

Pursuant to Section 20-225 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 65

**Report of the Committee on Land Use in favor of approving Application no. 20105281 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 36-19 30<sup>th</sup> Ave. d/b/a El Greco, to establish maintain and operate an unenclosed sidewalk café located at 36-19 30<sup>th</sup> Ave., Borough of Queens, Council District no. 22. 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(g) 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 March 25, 2010 (Minutes, page 1044), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1                      20105281 TCQ**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 36-19 30<sup>th</sup> Ave., Inc., d/b/a El Greco, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 36-19 30<sup>th</sup> Avenue, Borough of Queens.

**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.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition as modified by the Applicant

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

Res. No. 212

**Resolution approving with modification the petition for a revocable consent for an unenclosed sidewalk café located at 36-19 30<sup>th</sup> Avenue, Borough of Queens (20105281 TCQ; L.U. No. 65).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on March 19, 2010 its approval dated March 19, 2010 of the petition of 36-19 30<sup>th</sup> Ave., Inc., d/b/a El Greco, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 36-19 30<sup>th</sup> Avenue, Community District 1, Borough of Queens (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on April 20, 2010; 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 pursuant to modification to reduce to thirteen (13) tables and twenty-eight (28) chairs.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 67

**Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100162 HAK, an Urban Development Action Area Designation and Project located at 797-801 Knickerbocker Avenue and 295 Eldert Street, and the disposition of such property, Borough of Brooklyn, Council District no. 37. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1045), respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 4****C 100162 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
- a) the designation of property located at 295 Eldert Street (Block 3413, Lot 1); 801, 799 and 797 Knickerbocker Avenue (Block 3413, Lots 2, 3 and 4), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

**INTENT**

To facilitate development of a six-story building, tentatively known as Knickerbocker Commons, with approximately 24 residential units and community facility space.

**Report Summary****COMMITTEE RECOMMENDATION AND ACTION****DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings requested by the Department of Housing Preservation and Development and approve the decision of the City Planning Commission.

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

Res. No. 213

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100162 HAK, approving the designation of property located at 295 Eldert Street (Block 3413, Lot 1) and 797, 799 and 801 Knickerbocker Avenue (Block 3413, Lots 2, 3, and 4), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 67; C 100162 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 26, 2010 its decision dated March 24, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 295 Eldert Street (Block 3413, Lot 1) and 797, 799 and 801 Knickerbocker Avenue (Block 3413, Lots 2, 3 and 4), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a six-story building, tentatively known as Knickerbocker Commons, with approximately 24 residential units and community facility space, to be developed under the New York State Housing Trust Fund Program (the "Disposition"), Community District 4, Borough of Brooklyn (ULURP No. C 100162 HAK) (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**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, on April 7, 2010 by letter dated March 22, 2010 the Department of Housing Preservation and Development submitted its request respecting the application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 20, 2010;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 10HPD0015K) and the Negative Declaration which was issued on November 25, 2009;

**RESOLVED:**

The Council finds that the action described herein shall have no significant effect on the environment.

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 100162 HAK).

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

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

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

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 68

**Report of the Committee on Land Use in favor of approving Uniform land Use Review Procedure application no. C 100173 HAM, an Urban Development Action Area Designation and Project located at 302-304 East 2nd Street and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 25, 2010 (Minutes, page 1045), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**C 100173 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 302-304 East 2nd Street (Block 372, Lot 49) as an Urban Development Action Area: and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

**INTENT**

To facilitate development of a 13-story mixed-used building, tentatively known as Houston Dee, with approximately 166 residential units.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings requested by the Department of Housing Preservation and Development and approve the decision of the City Planning Commission.

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

Res. No. 214

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100173 HAM, approving the designation of property located at 302-304 East 2nd Street (Block 372, Lot 49), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 68; C 100173 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on March 26, 2010 its decision dated March 24, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 302-304 East 2nd Street (Block 372, Lot 49), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a 13-story mixed-use building, tentatively known as Houston Dee, with approximately 166 residential units (the "Disposition"), Community District 3, Borough of Manhattan (ULURP No. C 100173 HAM) (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**, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

**WHEREAS**, on April 7, 2010, by letter dated March 22, 2010, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on April 20, 2010;

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

**WHEREAS**, the Council has considered the relevant environmental review (CEQR No. 07DCP078M), the FEIS for which a Notice of Completion was issued on September 26, 2008, the Technical Memorandum dated December 10, 2009 and the City Planning Commission determination that the proposed project constitutes a minor modification to what was previously analyzed and would not result in any significant adverse impacts not previously identified in the FEIS.

**RESOLVED:**

The Council finds that the action described herein shall have no significant effect on the environment.

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 100173 HAM).

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

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

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

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 79

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20105340 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 523 9th Avenue Inc. d/b/a Hell's Kitchen Café, to establish maintain and operate an unenclosed sidewalk café located at 523 9th Avenue, Borough of Manhattan, Council District no. 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(g) 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 April 14, 2010 (Minutes, page 1364), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4                      20105340 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 523 9<sup>th</sup> Avenue, Inc., d/b/a Hell's Kitchen Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 523 Ninth Avenue, Borough of Manhattan.

By submission dated April 19, 2010 and submitted to the City Council on April 20, 2010 the Applicant withdrew the Petition.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal of the petition by the Applicant.

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

Res. No. 215

**Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 523 Ninth Avenue, Borough of Manhattan (20105340 TCM; L.U. No. 79).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 2, 2010 its approval dated April 2, 2010 of the petition of 523 9<sup>th</sup> Avenue, Inc., d/b/a Hell's Kitchen Café, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 523 Ninth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

**WHEREAS**, by submission dated April 19, 2010, and submitted to the City Council on April 20, 2010 the Applicant withdrew the petition.

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 81

**Report of the Committee on Land Use in favor of approving Application no. 20105481 HHK pursuant to §7385 (6) of the of New York City Health and Hospital Enabling Act, regarding the approval of the lease of a parcel of land consisting of approximately 64,645 square feet on the Kings County Hospital Center campus, the "J" and "N" Buildings for use by CAMBA for low income and formerly homeless housing located at 451 Clarkson Ave, in the Borough of Brooklyn Council District no. 40.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1365), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 9**

**20105481 HHK**

Application submitted by the New York Health and Hospitals Corporation ("HHC") pursuant to §7385(6) of its Enabling Act requesting the approval of the leasing of a parcel of land ("J" and "N" Buildings) situated on the campus of the Kings County Hospital located at 451 Clarkson Avenue to CAMBA, Inc. ("CAMBA") to facilitate development of low-income housing, and housing for the formerly homeless.

**INTENT**

To facilitate development of low-income housing, and housing for the formerly homeless.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Lease.

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

Res. No. 216

**Resolution approving the leasing of a 64,645 square foot parcel of land including the "J" and "N" Buildings on the campus of the Kings County Hospital Center, located at 451 Clarkson Avenue (Block 4829, Lot 1), Borough of Brooklyn (20105481 HHK; L.U. No. 81).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City Health and Hospitals Corporation filed with the Council on April 1, 2010 notice of the Board of Directors authorization dated March 26, 2010 of the leasing agreement of an approximately 64,645 square foot parcel of land, including the "J" and "N" Buildings, situated on the campus of the Kings County Hospital Center located at 451 Clarkson Avenue (Block 4829, Lot 1) to the CAMBA, Inc. ("CAMBA") upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing the leasing, to facilitate the development of low-income housing and housing for the formerly homeless, a copy of which is attached hereto (the "Leasing"), Community District 9, Borough of Brooklyn;

**WHEREAS**, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Act;

**WHEREAS**, upon due notice, the Council held a public hearing on the Leasing on April 20, 2010; and

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

**RESOLVED:**

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Act, the Council approves the Leasing upon the terms and conditions set forth in the Board of Directors' resolution authorizing the Leasing, a copy of which is attached hereto.

**ATTACHMENT: HHC Resolution**

**RESOLUTION**

Authorizing the President of the New York City Health and Hospitals Corporation (the "Corporation" or "Landlord") to execute a \$2.3 million sublease with CAMBA, Inc. or a limited partnership or limited liability company in which the general partner or managing member, as

applicable, is an affiliate of CAMBA, Inc. (the "Tenant" or "CAMBA") for the development of low-income housing, and housing for the formerly homeless on the campus of Kings County Hospital Center (the "Facility").

WHEREAS, since 1977, CAMBA, a non-profit organization based in Brooklyn, New York, has been providing services in New York City which include homelessness prevention, housing relocation, emergency and transitional housing, and permanent affordable and supportive housing; and

WHEREAS, the Tenant will develop and operate on the Facility's campus, two buildings containing low-income housing, and housing for the formerly homeless subject to review and approval by the New York City Department of Housing Preservation and Development ("NYCHPD") and such other lenders, investors, or government agencies as may be required by the financing and structure of the project; and

WHEREAS, a Public Hearing was held on December 8, 2009, in accordance with the requirements of the Corporation's Enabling Act, and prior to execution, the sublease is subject to approval of the City Council and the Office of the Mayor.

NOW, THEREFORE, be it

RESOLVED, that the President of the New York City Health and Hospitals Corporation (the "Corporation" or "Landlord") be and hereby is authorized to execute a \$2.3 million sublease with CAMBA, Inc. or a limited partnership or limited liability company in which the general partner or managing member, as applicable, is an affiliate of CAMBA, Inc. (the "Tenant" or "CAMBA") for the development of low-income housing, and housing for the formerly homeless on the campus of Kings County Hospital Center (the "Facility").

The Tenant shall have use and occupancy of an approximately 64,645-square-foot parcel of land including the "J" and "N" buildings located on the Facility's campus. The Tenant shall develop two buildings totaling approximately 180,000 square feet containing approximately 202 units of housing. The buildings will house a mixed population of low-income families and single adults, including the formerly homeless, and support services.

Page Two —  
Resolution CAMBA  
Sublease

The Corporation shall enter into a sublease with the Tenant with a term of ninety-nine (99) years. The Tenant shall make an advance lump sum rent payment consisting of the total rent during the lease term. The one-time rent payment shall be equal to the fully appraised purchase price of the property, which is \$2.3 million. The term of the lease shall commence upon lease execution.

The Tenant shall be responsible for all costs associated with the development and operation of its housing program. The total estimated construction costs are approximately \$52 million. The Tenant shall begin construction subsequent to commencement of the initial term in accordance with plans and specifications prepared by the Tenant, subject to approval by the Corporation, such approval not to be unreasonably withheld. The projected construction start date is July 2010 and the construction duration is anticipated to be 24 months.

The cost for all utilities provided to the Demised Premises shall be the responsibility of the Tenant. The Tenant shall also be responsible for all structural and nonstructural maintenance and repairs to property developed on the Demised Premises.

The Tenant shall indemnify the Corporation and the City of New York and shall provide adequate insurance against all liability arising from its use and occupancy of the Demised Premises, naming the Corporation and the City of New York as additional insured parties.

**EXECUTIVE SUMMARY**

**SUBLEASE AGREEMENT  
KINGS COUNTY HOSPITAL CENTER  
CAMBA, INC. OR AFFILIATE**

**OVERVIEW:** The President seeks authorization from the Board of Directors to execute a \$2.3 million sublease with CAMBA, Inc. or a limited partnership or limited liability

company in which the general partner or managing member, as applicable, is an affiliate of CAMBA, Inc. ("CAMBA") for the development of low-income housing, and housing for the formerly homeless, on the campus of Kings County Hospital Center.

**NEED/  
PROGRAM:**

CAMBA is one of Brooklyn's largest community based social services organizations with a budget of approximately \$73 million and a diverse staff of more than 1,300 employees. CAMBA's mission is to provide services which connect individuals and families with opportunities to enhance their quality of life. CAMBA serves more than 35,000 individuals and families a year in six core areas: Economic Development; Education and Youth Development; Family Support Services; HIV/AIDS and Health Related Services; Legal Services; and Housing Services and Development.

Since 1991, CAMBA has played a significant role in working with the City to address its housing crisis. Today this portfolio includes homelessness prevention, housing relocation, emergency and transitional housing, affordable permanent housing and supportive housing.

CAMBA will demolish the existing structures on the "J" and "N" Building sites and develop two new buildings, totaling approximately 180,000 square feet, containing approximately 202 units of supportive and affordable permanent housing. The buildings will contain approximately 58 units of housing for low-income families and approximately 144 units of housing for individuals and families exiting New York City's shelter system. CAMBA will provide on-site case management services and programming, as well as 24 hour building security. Construction costs for the project are estimated at \$52 million. CAMBA will be responsible for all costs associated with the development and operation of this rental housing. The project will participate in the New York State Energy Research and Development Agency (NYSERDA) program to ensure that the buildings are energy efficient. The projected construction start date is July 2010 and construction duration is anticipated to be 24 months.

**TERMS:**

The Corporation will enter into a sublease with CAMBA with an term of ninety-nine (99) years. The Tenant shall make an advance lump sum rent payment consisting of the total rent during the lease term. The one-time rent payment shall be equal to the fully appraised purchase price of the property, which is \$2.3 million. The term of the lease shall commence upon lease execution.

CAMBA will be responsible for all costs associated with the development and operation of its housing program. CAMBA will begin construction subsequent to commencement of the initial term in accordance with plans and specifications prepared by CAMBA, subject to approval by the Corporation, such approval not to be unreasonably withheld.

The cost for all utilities provided to the Demised Premises will be the responsibility of CAMBA. CAMBA will also be responsible for all structural and nonstructural maintenance and repairs to property developed on the Demised Premises.

CAMBA will indemnify the Corporation and the City of New York and will provide adequate insurance against all liability arising from its use and occupancy of the Demised Premises, naming the Corporation and the City of New York as additional insured parties.

**SUMMARY OF ECONOMIC TERMS**

**SITE:** 451 Clarkson Avenue  
Borough of Brooklyn Block 4829, Lot 1

**PARCEL  
SIZE:** Approximately 64,645 square feet

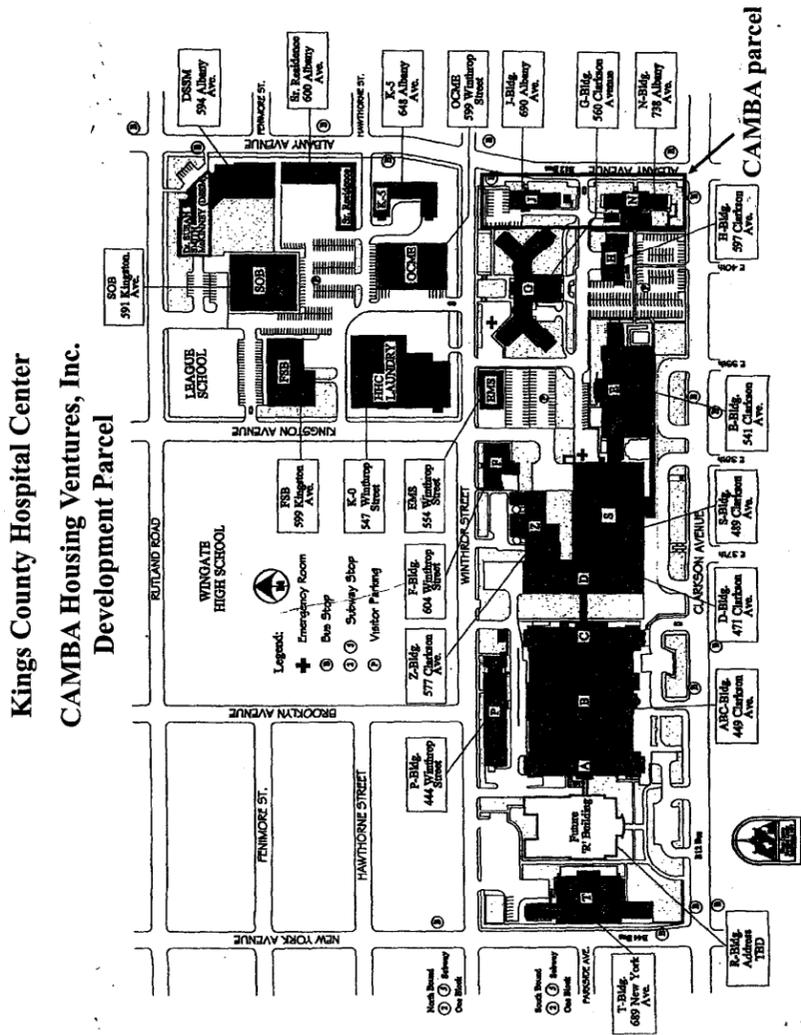
**INITIAL TERM:** Ninety-nine (99) years

**RENT:** The tenant shall make an advance lump sum rent payment consisting of the total rent during the lease term. The one-time rent payment shall be equal to the fully appraised purchase price of the property, which is \$2.3 million.

**UTILITIES:** The cost for all utilities provided to the premises will be the responsibility of the tenant.

**MAINTENANCE/**

**REPAIRS:** The tenant will be responsible for all structural and non-structural maintenance and repairs.



1. changing from an R6 District to a C4-4D District property bounded by 78<sup>th</sup> Avenue, a line 100 feet southwesterly of Queens Boulevard, a line 100 feet northwesterly of Union Turnpike (northwesterly portion), and Kew Forest Lane;
2. changing from a C4-2 District to a C4-4D District property bounded by 78<sup>th</sup> Avenue, Queens Boulevard, a line 100 feet northwesterly of Union Turnpike (northwesterly portion), and a line 100 feet southwesterly of Queens Boulevard; and
3. changing from a C4-4 District to a C4-4D District property bounded by a line 100 feet northwesterly of Union Turnpike (northwesterly portion), Queens Boulevard, Interborough Parkway, and Kew Forest Lane;

as shown on a diagram (for illustrative purposes only) dated November 16, 2009 and subject to the conditions of CEQR Declaration E-242.

**INTENT**

To rezone a portion of Queens Boulevard to facilitate development of a 12-story, 65-unit residential building with approximately 12,370 square feet of ground floor retail space.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** April 20, 2010

The Committee recommends that the Council approve the attached resolution and approve the decision of the City Planning Commission.

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

Res. No. 217

**Resolution approving the decision of the City Planning Commission on ULURP No. C 060550 ZMQ, a Zoning Map amendment (L.U. No. 82).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on March 26, 2010 its decision dated March 24, 2010 (the "Decision"), on the application submitted by Kew Point Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change existing C4-2, C4-4 and R6 districts to a C4-4D district on a block bounded by Queens Boulevard, 73<sup>rd</sup> Avenue, Kew Forest Lane, and Union Turnpike, in Forest Hills area of Queens (ULURP No. C 060550 ZMQ (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 April 20, 2010;

**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 Conditional Negative Declaration, issued on March 24, 2010 (CEQR No. 06DCP083Q);

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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. 82

**Report of the Committee on Land Use in favor of approving Application no. C 060550 ZMQ submitted by Kew Point Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 14b, changing from an R6 District to a C4-4D District, changing from a C4-2 District to a C4-4D District and changing from a C-4-4 District to a C4-4D District.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1365), respectfully

**REPORTS:**

**SUBJECT**

QUEENS CB - 6

C 060550 ZMQ

City Planning Commission decision approving an application submitted by Kew Point Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14b:

The applicant enter into a restrictive declaration (Block 3347, Lot 24) to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction on the premises (Block 3347, Lot 24). The restrictive declaration would ensure that appropriate remediation measures for on-site hazardous materials, if necessary, would occur.

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 060550 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. 14b:

1. changing from an R6 District to a C4-4D District property bounded by 78<sup>th</sup> Avenue, a line 100 feet southwesterly of Queens Boulevard, a line 100 feet northwesterly of Union Turnpike (northwesterly portion), and Kew Forest Lane;
2. changing from a C4-2 District to a C4-4D District property bounded by 78<sup>th</sup> Avenue, Queens Boulevard, a line 100 feet northwesterly of Union Turnpike (northwesterly portion), and a line 100 feet southwesterly of Queens Boulevard; and
3. changing from a C4-4 District to a C4-4D District property bounded by a line 100 feet northwesterly of Union Turnpike (northwesterly portion), Queens Boulevard, Interborough Parkway, and Kew Forest Lane;

as shown on a diagram (for illustrative purposes only) dated November 16, 2009 and subject to the conditions of CEQR Declaration E-242, Community District 6, Borough of Queens.

LEROY G. COMRIE, Chairperson; DIANA REYNA, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, DANIEL R. GARODNICK, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, April 22, 2010.

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 State and Federal Legislation**

Report for State Legislation Res. No. 1

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.6784, and Assembly Member Abbate, A.9885, “AN ACT to amend the general municipal law, in relation to the training of fire officers in cities of one million or more.”**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on March 25, 2010 (Minutes, page 975), respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) introduced by the Council. By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

New York City Local Law 26 of 2008 enacted a new Fire Code and Local Law 33 of 2007 enacted the new Building Code. Both laws became effective on July 1, 2008. According to the Sponsor’s Memorandum in Support (MIS), prior to and subsequent to the enactment of both new codes fire officers have received little or no training in the specifics of the new codes or the provisions of which they are empowered to enforce.

According to the MIS, the proposed legislation would provide training and familiarization for all fire officers in the new Fire and Building Codes for the purpose of determining compliance with these codes and applicable laws, rules and regulations enforced by the New York City Fire Department. There have been many substantive changes to both codes. According to the MIS, this bill will provide a mechanism to provide fire officers with the necessary tools to do their job safely.

**PROPOSED LEGISLATION:**

The General Municipal Law would be amended by adding a new section 209-ff requiring the City of New York to provide at least eighty hours of training for all fire officers in the new fire and construction codes. The training would have to be provided by January 1, 2011.

**FISCAL IMPLICATIONS:**

See Finance Division Fiscal Impact Statement.

**EFFECTIVE DATE:**

This legislation would take effect immediately.

**(For text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly in Albany).**

**(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	N/A	\$13,617,725*
<b>Net</b>	\$0	N/A	\$13,617,725*

**IMPACT ON REVENUES:** None

**IMPACT ON EXPENDITURES:** Costs associated with additional 40 hours of Building Code training, and 40 hours of Fire Code training for Fire Officers in the FDNY will depend on whether this training and its compensation is mandated as straight time or overtime for Fire Officers. If this training is performed under the overtime compensation schedule, the cost will be approximately \$13,617,725. If such training is mandated under the straight time compensation schedule, the cost will be approximately \$9,504,197. The compensation schedule for the mandated 80 cumulative hours of training is a matter of negotiation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** FDNY

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

**ESTIMATE PREPARED BY:** Ksenia Koban, Legislative Financial Analyst  
The New York City Council Finance Division

**FIS HISTORY:** This is a new bill in the FY 2011 State Legislative Session

**DATE SUBMITTED TO COUNCIL:** This bill will be considered before the Committee on April 28<sup>th</sup>, 2010

Accordingly, this Committee recommends its adoption.

**(The following is the text of State Legislation Res. No. 1:)**

State Legislation Res. No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.6784, and Assembly Member Abbate, A.9885, “AN ACT to amend the general municipal law, in relation to the training of fire officers in cities of one million or more”.**

By Council Members Foster, Comrie and Rodriguez.

**Whereas**, bills have been introduced in the New York State Legislature by Senator Savino, S.6784, and Assembly Member Abbate, A.9885, “AN ACT to amend the general municipal law, in relation to the training of fire officers in cities of one million or more”; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, April 28, 2010.

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 2

**Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Duane, S.4278, and Assembly Members Rosenthal and Kellner, A.6158-A, “AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on April 29, 2010 respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) introduced by the Council. By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND**

This legislation would require the establishment of an animal population control program that would reduce the number of stray and unwanted cats and dogs in the City of New York and establish an animal population control fund to pay for such a program.

According to the Memorandum in Support (MIS), this program would reduce the significant cost to the City of sheltering, finding homes for or euthanizing stray or unwanted animals. This program will encourage New York City residents who own dogs and cats to have them neutered or spayed by providing such veterinary services at a low cost.

According to the MIS, the program will include but not be limited to the creation clinics where such services shall be performed. Eligibility, for low cost neutering and spaying services shall include but not be limited to any criteria

including proof of income, deemed acceptable or necessary by agencies for performing the services.

Additionally, the Administrative Code of the City of New York will be amended to establish the joint custody of the City Comptroller and Commissioner of Finance an animal population control fund consisting of monies collected from the animal control program. Monies from the fund will be used for purposes of carrying out animal population control programs for the general public and shall be paid out of the fund on audit and warrant of the City Comptroller on vouchers approved by the Commissioner of the Department of Health.

According to the MIS, a fee of three dollars or more as determined by the City Council will be charged to individuals applying for a dog license who own of a dog which is four months or older and has not been spayed or neutered unless the owner submits documentation from a veterinarian which states that the life of the dog would be endangered by spaying and neutering. All fees collected pursuant to this provision shall be forwarded to the comptroller for deposit in the animal population control fund. Additionally, any unspent monies garnered from dog licensing fees shall be collected and deposited in the animal population control fund to be retained by the fund.

**PROPOSED LEGISLATION**

Section one of the proposed legislation would amend section 107 of the agriculture and markets law.

Section two of the proposed legislation would amend the Administrative Code of the City of New York by adding section 17-811 requiring the Department of Health and Mental Hygiene to establish and implement an animal population control program for the City. The purpose of the program would be to reduce the significant cost to the city of sheltering, finding homes for or euthanizing animals by reducing the population of unwanted or stray dogs and cats.

Section three would amend the Administrative Code of the City of New York by adding a new section 17-812 that would establish in the joint custody of the City Comptroller and Commissioner of Finance an animal population control program consisting of all moneys collected from the animal population control program established pursuant to section 17-811 and all other moneys from any fund or source.

Section four would amend section 3-a of chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and the rights of owners thereof to add to the fee charged pursuant to sections one and two of that chapter a fee of three dollars or any greater amount as determined by the City Council for any person applying for a dog license who is the owner of a dog four months of age or older which has not been spayed or neutered, unless the owner presents with his or her application a statement certified by a licensed veterinarian stating the he or she has examined the dog and found that, due to old age or other reasons, the life of the dog would be endangered by spaying or neutering. All fees collected pursuant to the provisions of this section would be forwarded to the comptroller for deposit in the animal population control fund established by this chapter.

Finally, section five would require any unspent moneys garnered from dog licensing fees in cities of with populations of two million or more and collected and deposited in animal population control fund to be retained in the fund.

Section 6: sets out the effective date

**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately

**(For text of SLR No. 2, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum –in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly).**

**(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
<b>Revenues (+)</b>	\$0	\$108,807	\$108,807
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$108,807	\$108,807

**IMPACT ON REVENUES:** The bill would establish a separate NYC Animal Population Control Fund which would utilize the accrued funding (\$3 from every unaltered dog license fee), as well as the additional \$3 or more added to the current fee hereafter. According to estimates prepared by DOHMH, the annual revenue to the fund would be approximately \$108,807, as well as any additional funding incurred as a result of the increase in fee.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** The Fund will utilize the accrued funding, as well as future fees collected from unaltered dog license fees. It would be supplemented by an addition of \$3 or more to the current fee charged for unaltered dog licenses (currently at \$35).

**SOURCE OF INFORMATION:** The New York City Council Finance Division Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Ksenia Koban, Legislative Financial Analyst  
City Council Finance division

**DATE SUBMITTED TO COUNCIL:** April 28th, 2010

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 2, please see the Introduction and Reading of Bills section printed in these Minutes).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, April 28, 2010.

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**

**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:

(Please see the Resolution approving various persons Commissioners of Deeds section in the Minutes of the Stated Council Meeting of May 12, 2010).

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 37-A --** Requiring the department of juvenile justice to report on demographic data.
- (2) **Int 99 --** Authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.
- (3) **Int 153-A --** Requiring the department of juvenile justice to regularly report data concerning its use of physical restraint, mechanical restraint, and room confinement, injuries to children and allegations of child abuse and neglect.
- (4) **Int 182 --** Sound reproduction devices on sight-seeing buses. (with Message of Necessity requiring affirmative vote of at least two-thirds of the Council for passage)
- (5) **SLR 1 --** S.6784, A.9885, training of fire officers in cities of one million or more. (Home Rule item requiring affirmative vote of at least two-thirds of the Council for

- (6) **SLR 2 --** passage) S.4278, A.6158-A, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees”. (Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)
- (7) **Res 206 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget. (Transparency Resolution April 29, 2010)
- (8) **L.U. 64 & Res 211 --** App. 20095372 TCM, enclosed sidewalk café located at 303 West 48th Street, Borough of Manhattan, Council District no. 3.
- (9) **L.U. 65 & Res 212 --** App. 20105281 TCQ, unenclosed sidewalk café located at 36-19 30th Ave., Borough of Queens, Council District no. 22.
- (10) **L.U. 67 & Res 213 --** ULURP, app. C 100162 HAK, UDAADP, 797-801 Knickerbocker Avenue and 295 Eldert Street, and the disposition of such property, Borough of Brooklyn, Council District no. 37.
- (11) **L.U. 68 & Res 214 --** ULURP appo. C 100173 HAM, UDAADP, 302-304 East 2nd Street and the disposition of such property, Borough of Manhattan, Council District no. 2.
- (12) **L.U. 79 & Res 215 --** App. 20105340 TCM, unenclosed sidewalk café 523 9th Avenue, Borough of Manhattan, Council District no. 3. (Coupled to be Filed pursuant to a Letter of Withdrawal)
- (13) **L.U. 81 & Res 216 --** App. 20105481 HHK “J “and “N “Buildings for use by CAMBA for low income and formerly homeless housing located at 451 Clarkson Ave, in the Borough of Brooklyn Council District no. 40.
- (14) **L.U. 82 & Res 217 --** App. C 060550 ZMQ changing from an R6 District to a C4-4D District, changing from a C4-2 District to a C4-4D District and changing from a C-4-4 District to a C4-4D District.
- (15) **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, Cabrera, Chin, Comrie, Crowley, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 46.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 182:** :

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 44.

**Negative** – Barron and Weprin – 2.

The following was the vote recorded for **SLR No. 1**:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

**Negative** – Fidler – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 37-A, 99, 153-A and 182 (passed under a Message of Necessity from the Mayor).*

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. 39-A

**Report of the Committee on Health in favor of approving, as amended, a Resolution urging the United States Congress to reintroduce and pass legislation that would amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.**

The Committee on Health, to which the annexed amended resolution was referred on February 11, 2010 (Minutes, page 332), respectfully

## REPORTS:

### INTRODUCTION

On April 27, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Proposed Res. No. 39-A, urging the United States Congress to reintroduce and pass legislation that would amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases. The Committee heard testimony on this Resolution on April 13, 2010.

### PROPOSED RES. NO. 39-A

Proposed Res. No. 39-A would note that in the twenty-five years following the first reported case of Acquired Immune Deficiency Syndrome (AIDS), 40 million people worldwide are living with this incurable disease. The Resolution would state that over the previous decade, HIV/AIDS infections in women have grown to the point that the National Institute of Allergy and Infectious Diseases (NIAID) now estimates that women account for half of new HIV infections worldwide. The Resolution would also state that scientists are actively working to develop new methods of preventing HIV/AIDS infection.

The Proposed Resolution would also point out that microbicides, which would give women a prevention tool that they can control, are one of the most promising new developments in this field. The Proposed Resolution would note that microbicides, both vaginal and rectal, are topical products in the form of a gel, cream, film, vaginal ring or suppository that will reduce the risk of transmission of HIV and other sexually transmitted diseases. The Proposed Resolution would state that microbicides have the potential to be an effective tool to prevent HIV. The Proposed Resolution would also indicate that introduction of microbicides in 73 developing countries could, according to the London School of Hygiene and Tropical Medicine, prevent 2.3 million HIV infections over three years.

Proposed Res. No. 39-A would state that despite the fact that microbicides are moving into later stage clinical trials, the National Institutes of Health (NIH) spends a mere two percent of its HIV/AIDS research budget on microbicide development. The Proposed Resolution would also state that there is a demonstrated need for increased federal funding and coordination of microbicide research efforts in order to speed the development of an effective microbicide that has the potential to save millions of lives.

The Proposed Resolution would further note that in the 109<sup>th</sup> Congress, then-Senator Barack Obama of Illinois introduced S. 823, the Microbicide Development Act, and Congressman Jan Schakowsky of Illinois introduced a companion bill, H.R.

1420. The Proposed Resolution would further point out that The Microbicide Development Act would create a dedicated microbicide research unit within NIAID, authorize funding increases for microbicide research, and require coordination between federal research agencies such as NIAID and NIH. The Proposed Resolution would also state that the Centers for Disease Control and Prevention estimated that 56,300 Americans were infected with HIV in 2006, clearly demonstrating the need for new and more powerful protective measures against this deadly virus. Finally, Proposed Res. No. 39-A would urge the United States Congress to reintroduce and pass legislation that would to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 39-A:)**

Res. No. 39-A

**Resolution urging the United States Congress to reintroduce and pass legislation that would amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.**

By Council Members Mendez, Brewer, Chin, Dickens, Ferreras, Fidler, Gentile, Koppell, Koslowitz, Lander, Palma, Van Bramer, Williams, Nelson, Dromm, Arroyo, Crowley, Jackson, Recchia and Seabrook.

**Whereas**, In the twenty-five years following the first reported case of Acquired Immune Deficiency Syndrome (AIDS), 40 million people worldwide are living with this incurable disease; and

**Whereas**, Over the previous decade, HIV/AIDS infections in women have grown to the point that the National Institute of Allergy and Infectious Diseases (NIAID) now estimates that women account for half of new HIV infections worldwide; and

**Whereas**, Scientists are actively working to develop new methods of preventing HIV/AIDS infection; and

**Whereas, Whereas**, Microbicides, which would give women a prevention tool that they can control, are one of the most promising new developments in this field; and

**Whereas**, Microbicides, both vaginal and rectal, are topical products in the form of a gel, cream, film, vaginal ring or suppository that will reduce the risk of transmission of HIV and other sexually transmitted diseases; and

**Whereas**, Microbicides have the potential to be an effective tool to prevent HIV; and

**Whereas**, Introduction of microbicides in 73 developing countries could, according to the London School of Hygiene and Tropical Medicine, prevent 2.3 million HIV infections over three years; and

**Whereas**, Despite the fact that microbicides are moving into later stage clinical trials, the National Institutes of Health (NIH) spends a mere two percent of its HIV/AIDS research budget on microbicide development; and

**Whereas**, There is a demonstrated need for increased federal funding and coordination of microbicide research efforts in order to speed the development of an effective microbicide that has the potential to save millions of lives; and

**Whereas**, In the 109<sup>th</sup> Congress, then-Senator Barack Obama of Illinois introduced S. 823, the Microbicide Development Act, and Congressman Jan Schakowsky of Illinois introduced a companion bill, H.R. 1420; and

**Whereas**, The Microbicide Development Act would create a dedicated microbicide research unit within NIAID, authorize funding increases for microbicide research, and require coordination between federal research agencies such as NIAID and NIH; and

**Whereas**, The Centers for Disease Control and Prevention estimated that 56,300 Americans were infected with HIV in 2006, clearly demonstrating the need for new and more powerful protective measures against this deadly virus; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the United States Congress to reintroduce and pass legislation that would to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, April 27, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 39-A** to be adopted.

The following 2 Council Members formally **objected** to the passage of this item: Council Members Ignizio and Oddo.

The following 2 Council Members formally **abstained** to vote on this item: Council Members Halloran and Vallone, Jtr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 80-A

**Report of the Committee on Health in favor of approving, as amended, a Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.**

The Committee on Health, to which the annexed amended resolution was referred on March 25, 2010 (Minutes, page 926), respectfully

**REPORTS:**

**INTRODUCTION**

On April 27, 2010, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Proposed Res. No. 80-A, calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood. The Committee heard testimony on this Resolution on April 13, 2010.

**PROPOSED RES. NO. 80-A**

Proposed Res. No. 80-A would state that the United States Food and Drug Administration (FDA) is responsible for protecting the public health. The Proposed Resolution would note that inasmuch, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood. The Proposed Resolution would also indicate that the FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men (MSM) are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion.

The Proposed Resolution would point out that this lifetime restriction on men who have had sex with men even once since 1977, from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982. The Proposed Resolution would state that the only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease and people who had sex for drugs or money. The Proposed Resolution would indicate that the FDA last reconsidered this issue in 2006 but decided not to alter its existing policy. The Proposed Resolution would also state that despite the FDA's lifetime ban on MSM, nationally, an individual needs a life-saving blood transfusion once every 3 seconds.

Proposed Res. No. 80-A would note that yet, while 60 percent of Americans are eligible to donate blood, on average less than 5 percent of people actually donate. The Proposed Resolution would also note that this figure is less in New York and New Jersey, where it is estimated that less than 2 percent of the eligible population donate blood. The Proposed Resolution would state that each day in New York City, the New York Blood Center (NYBC) estimates that 4.5 million Americans benefit from life-saving blood transfusions each year. The Proposed Resolution would indicate that the NYBC requires more than 2,000 donors every day to meet the existing need of patients in approximately 200 hospitals in New York and New Jersey.

The Proposed Resolution would note that a single blood donation can save 3 lives, following component separation. The Proposed Resolution would indicate that recipients of blood donation include cancer patients, accident, burn and trauma victims, new born babies, transplant patients, mothers delivering babies, surgery patients, chronically transfused patients suffering from sickle cell disease or thalassemia, among others in need. The Proposed Resolution would also state that limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood.

The Proposed Resolution would further note that the Gay Men's Health Crisis (GMHC) recently released a report entitled "A Drive for Change: Reforming U.S. Blood Donation Policies." The Proposed Resolution would further point out that this report advocates for a revision on the lifetime restriction of MSM from donating blood and cite both action taken by other countries and advances in medicine and blood screening. The Proposed Resolution would also state that South Africa, Argentina, Australia, Hungary, Japan, Sweden and New Zealand have all imposed a time period in which an MSM must wait before being allowed to donate, while Russia completely lifted the ban. The Proposed Resolution would also indicate that other countries, such as Italy, Spain and France screen potential donors for high-risk sexual practices, rather than MSM behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior.

Proposed Res. No. 80-A would state that GMHC's report also indicates that advancements in medical technology and blood screening lend further credence that the risk is minimal. The Proposed Resolution would note that there are two methods of testing for HIV, the antibody test and the nucleic acid test. The Proposed Resolution would further note that both tests seek to determine whether the individual is infected with HIV and the nucleic test allows for a significantly shorter

window period, the period when HIV is undetectable, of approximately 9 to 11 days.

The Proposed Resolution would indicate that the FDA recently announced that they will reexamine the restrictions on blood donation by gay men and that the United States Department of Health and Human Services' blood safety committee will look into this issue in June. The Proposed Resolution would further state that numerous public health groups including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association and the GMHC and leading LGBT organizations have urged that the FDA's lifetime restriction be revised. Finally, Proposed Res. No. 80-A would call upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 80-A:)**

Res. No. 80-A

**Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.**

By The Speaker (Council Member Quinn) and Council Members Arroyo, Mendez, Dromm, Van Bramer, Rose, Brewer, Fidler, Jackson, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Rodriguez, Rivera, Dickens, Ferreras, Crowley, Sanders and Williams.

**Whereas**, The United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

**Whereas**, Inasmuch, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

**Whereas**, The FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men (MSM) are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion; and

**Whereas**, This lifetime restriction on men who have had sex with men even once since 1977 from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

**Whereas**, The only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease and people who had sex for drugs or money; and

**Whereas**, The FDA last reconsidered this issue in 2006 but decided not to alter its existing policy; and

**Whereas**, Despite the FDA's lifetime ban on MSM, nationally, an individual needs a life saving blood transfusion once every 3 seconds; and

**Whereas**, Yet, while 60 percent of Americans are eligible to donate blood, on average less than 5 percent of people actually donate; and

**Whereas**, This figure is less in New York and New Jersey, where it is estimated that less than 2 percent of the eligible population donate blood; and

**Whereas**, Each day in New York City, the New York Blood Center (NYBC) estimates that 4.5 million Americans benefit from life-saving blood transfusions each year; and

**Whereas**, The NYBC requires more than 2,000 donors every day to meet the existing need of patients in approximately 200 hospitals in New York and New Jersey; and

**Whereas**, A single blood donation can save 3 lives, following component separation; and

**Whereas**, Recipients of blood donation include cancer patients, accident, burn and trauma victims, new born babies, transplant patients, mothers delivering babies, surgery patients, chronically transfused patients suffering from sickle cell disease or thalassemia, among others in need; and

**Whereas**, Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

**Whereas, Whereas**, The Gay Men's Health Crisis (GMHC) recently released a report entitled "A Drive for Change: Reforming U.S. Blood Donation Policies;" and

**Whereas**, This report advocates for a revision on the lifetime restriction of MSM from donating blood and cite both action taken by other countries and advances in medicine and blood screening; and

**Whereas**, South Africa, Argentina, Australia, Hungary, Japan, Sweden and New Zealand have all imposed a time period in which an MSM must wait before being allowed to donate, while Russia completely lifted the ban; and

**Whereas**, Other countries, such as Italy, Spain and France screen potential donors for high-risk sexual practices, rather than MSM behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

**Whereas**, GMHC's report also indicates that advancements in medical technology and blood screening lend further credence that the risk is minimal; and

**Whereas,** There are two methods of testing for HIV, the antibody test and the nucleic acid test; and

**Whereas,** Both tests seek to determine whether the individual is infected with HIV and the nucleic test allows for a significantly shorter window period, the period when HIV is undetectable, of approximately 9 to 11 days; and

**Whereas,** The FDA recently announced that they will reexamine the restrictions on blood donation by gay men and that the United States Department of Health and Human Services' blood safety committee will look into this issue in June; and

**Whereas,** Numerous public health groups including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association and the GMHC and leading LGBT organizations have urged that the FDA's lifetime restriction be revised; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, April 27, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 80** to be adopted.

The following Council Member formally **objected** to the passage of this item: Council Member Ignizio.

The following 3 Council Members formally **abstained** to vote on this item: Council Members Halloran, Koo, and Oddo.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 162-A

**Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.**

The Committee on Immigration, to which the annexed amended resolution was referred on April 14, 2010 (Minutes, page 1314), respectfully

## REPORTS:

### I. INTRODUCTION

On Monday, April 26, 2010, the Committee on Immigration, chaired by Council Member Daniel Dromm, will hold a hearing on Resolution Number 162-A ("Res. No. 162-A"), a Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010. The Committee invited the Mayor's Office of Immigrant Affairs, immigrant advocates and interested members of the public to provide testimony.

### II. BACKGROUND

As of 2008, an estimated 37.9 million immigrants were living in the United States.<sup>1</sup> New York State had the second largest immigrant population in the nation, with approximately 4.2 million immigrant residents.<sup>2</sup> At that time, immigrants accounted for 21.7% of the State's population.<sup>3</sup> New York City has always been considered to be the gateway to the many opportunities that the United States has to offer. More than three million of New York State's immigrants live in New York City, constituting 36.4% of the City's overall population.<sup>4</sup>

Immigrants, a significant part of the City's working population, maintain employment at all levels and in a variety of sectors.<sup>5</sup> In January 2010, the New York State Comptroller's Office issued a report entitled "The Role of Immigrants in the New York City Economy" highlighting the significant contributions that immigrants made to the City's recent economic growth.<sup>6</sup> Between 2000 and 2008, New York City's immigrant workforce grew by 68% and the wages of this workforce grew by approximately 39% surpassing the growth of the City's native-born population.<sup>7</sup> The report indicates that the more than 1.9 million immigrants working in New York City account for 43% of the City's overall workforce.<sup>8</sup> And immigrants accounted for \$215 billion in economic activity in 2008, or 32% of the City's total revenue.<sup>9</sup> According to the report, the City's future economic growth is intertwined with immigration.<sup>10</sup> Despite the significant financial contributions that immigrants make to New York City, and the nation's economy, immigrants, whether documented or undocumented, endure a variety of obstacles as they attempt to live and work in the United States.

### III. BARRIERS FACED BY IMMIGRANT NEW YORKERS

Immigrants come to the United States for a variety of reasons, including work, study, or to be reunited with family. Immigrants often come to New York City to start their American lives because of the vast opportunities that the City has to offer. Some come to this country legally, through a visa, but overstay that visa thereby converting to undocumented status. Others come here as children illegally with family members and may not realize that they have been undocumented their entire lives. The current immigration system makes it difficult for undocumented immigrants to work, go to school and to adjust their status to become lawful permanent residents or United States citizens.

#### A. WORKPLACE

Undocumented immigrant workers do not have the same employment opportunities as their documented counterparts and they have fewer opportunities for career advancement.<sup>11</sup> Undocumented immigrants employed in certain industries often have difficulty in the workplace because they do not have the same rights as lawful permanent residents and United States citizens. Unscrupulous employers often prey on undocumented workers by violating important labor laws, such as by paying their employees below the minimum wage in order to benefit themselves.<sup>12</sup> Such employers often fail to submit required payroll taxes to the federal and state governments or to provide their employees with the minimally required workers compensation insurance coverage.<sup>13</sup> This results in problems for all workers as well as for those employers that follow the law.

#### B. EDUCATION

Undocumented immigrants who want to pursue higher education in the United States encounter problems paying for their education. Under section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) undocumented immigrants are not eligible for any post secondary education benefit based on residence unless a United States citizen is eligible for the same benefit, regardless of that citizen's residence.<sup>14</sup> Although section 505 of the IIRIRA has not been interpreted as an explicit prohibition against states offering undocumented students at institutions of higher education in-state tuition, few states have chosen not to apply this section to in-state tuition rates.<sup>15</sup> As a result, even though undocumented children can legally enroll in most colleges, they are not eligible for most forms of financial aid and they cannot work legally in order to support themselves in school.<sup>16</sup> Undocumented young people affected by this law include honor roll students, student leaders, talented athletes, gifted artists, and aspiring professionals who are unable to attend college and advance professionally because of the numerous legal and financial obstacles confronting them.<sup>17</sup> Although all schools within the City University of New York system allow undocumented immigrant students to pay the same in-state tuition as documented students, the limitation on obtaining other forms of financial aid and their exclusion from the legal workforce discourages many undocumented students from pursuing higher education.<sup>18</sup>

#### C. FAMILY UNIFICATION

Same-sex binational couples are limited in how they can protect their relationships in the United States because current immigration law does not recognize same-sex relationships. The federal Defense of Marriage Act ("DOMA") precludes the federal government from recognizing same-sex marriages for immigration purposes.<sup>19</sup> For many of the nearly 36,000 binational same-sex couples living in the United States, the inability to sponsor a significant other has the potential to destroy loving relationships, fragment families and compel talented Americans to move to countries that respect their relationships.<sup>20</sup> Individuals whose partners become undocumented, moreover, can run afoul of the law if they continue to reside with their now-illegal partner.<sup>21</sup>

### IV. PROPOSED LEGISLATION

Several pieces of legislation have been introduced during the 111<sup>th</sup> Congressional Session that could impact current immigration laws. The Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009 ("CIR ASAP"), H.R.4321, is the only bill that seeks to combat numerous immigration related issues. The CIR ASAP bill was introduced on December 12, 2009 by Representatives Solomon Ortiz (D-TX) and Luis Gutierrez (D-IL). The CIR ASAP bill includes reforms on (i) border security, detention conditions, and enforcement activities; (ii) employment authorization; (iii) visa processing; (iv) legalization of undocumented immigrants; (v) strengthening America's workforce; and (vi) integrating new citizens.<sup>22</sup> Currently, the CIR ASAP bill has 95 co-sponsors.<sup>23</sup> Most recently, this bill was referred to the House Subcommittee on Immigration.<sup>24</sup>

On March 18, 2010, Senators Charles Schumer (D-NY) and Lindsey Graham (R-SC) released a bipartisan plan for comprehensive immigration reform legislation. The "four pillars" of the Schumer-Graham are "requiring biometric Social Security cards to ensure that illegal workers cannot get jobs; fulfilling and strengthening our commitments on border security and interior enforcement; creating a process for admitting temporary workers; and implementing a tough but fair path to legalization for those already here."<sup>25</sup> Senators Schumer and Graham believe that the proposed employment verification system will hold employers accountable for hiring undocumented workers.<sup>26</sup> This system would require all U.S. citizens and immigrants to obtain "high-tech, fraud proof Social Security card" that prospective employers would have to swipe in order to confirm a job applicant's identity and immigration status.<sup>27</sup> Under this proposal, an employer who refuses to swipe an identification card or knowingly hires unauthorized workers would face penalties.<sup>28</sup> The plan also includes methods to award green cards to immigrants who receive a Ph.D. or master's degree in science, technology, engineering or math from a United States university.<sup>29</sup> Additionally, their plan would include a "rational

system” for admitting lower-skilled immigrants to live and work in the United States.<sup>30</sup>

#### V. RES. NO. 162-A

Res. No. 162-A calls upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill. Res. No. 162-A highlights the issues faced by immigrants living in the United States, such as struggling with unscrupulous employers, having difficulty obtaining financing for higher education, and the inability of individuals in same-sex relationships to sponsor their significant others. This resolution acknowledges the current efforts being made in Congress to fix the broken immigration system, but also takes note of the problems with the proposals, mainly that there are no proposed protections for binational same-sex couples. The resolution concludes by calling on Congress and President Obama to fulfill their promises to fix the broken immigration system and to do so by the end of 2010.

#### VI. CONCLUSION

Despite the large number of immigrants in the United States and positive contributions that immigrants make to the economy, current immigration laws make it extremely difficult to survive and thrive in the United States without citizenship status. Current immigration laws make it extremely difficult for immigrants to obtain funding for higher education, to be sponsored by one’s significant other if a person is in a same-sex relationship, and to receive adequate protections in the work place. The proposed pieces of immigration reform legislation appear to be broad in that they not only seek to combat illegal immigration, but also encourage legal immigration. However, they fail to fully recognize family reunification by their omission of any provision that would allow a United States citizen in a binational same-sex relationship to sponsor a “permanent partner” of the same sex. Until such a section is included in an immigration reform bill, no legislation will truly be complete.

<sup>1</sup> Migration Policy Institute, *MPI Data Hub: Immigration Facts, Stats, and Maps: States Ranked by Number of Foreign Born: 1990, 2000, 2007, and 2008*, available at [http://www.migrationinformation.org/datahub/files/MPIDataHub\\_ACS\\_2008-NumberForeignBorn.xls](http://www.migrationinformation.org/datahub/files/MPIDataHub_ACS_2008-NumberForeignBorn.xls) (site last visited Apr. 20, 2010).

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

<sup>3</sup> Migration Policy Institute, *MPI Data Hub: Immigration Facts, Stats, and Maps: States Ranked by Percent Foreign Born: 1990, 2000, 2007, and 2008*, available at [http://www.migrationinformation.org/datahub/files/MPIDataHub\\_ACS\\_2008-PercentForeignBorn.xls](http://www.migrationinformation.org/datahub/files/MPIDataHub_ACS_2008-PercentForeignBorn.xls) (site last visited Apr. 20, 2010).

<sup>4</sup> New York State Comptroller, *Report 17-2010: The Role of Immigrants in the New York City Economy*, 2 (Jan. 2010).

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 1.

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

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> New York State Comptroller, *The Role of Immigrants in the New York City Economy*, 1 (Jan. 2010).

<sup>11</sup> Fiscal Policy Institute, *Immigrants and the Economy: Contribution of Immigrant Workers to the Country’s 25 Largest Metropolitan Areas, with a focus on the five largest areas in the East*, 6 (Dec. 2009), available at [http://www.fiscalpolicy.org/ImmigrantsIn25MetroAreas\\_20091130.pdf](http://www.fiscalpolicy.org/ImmigrantsIn25MetroAreas_20091130.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Dawn Konet, *Unauthorized Youths and Higher Education: The Ongoing Debate*, Migration Policy Institute (Sept. 2007) at <http://www.migrationinformation.org/Feature/display.cfm?ID=642>.

<sup>15</sup> Konet, *supra* note 7; National Immigration Law Center (NILC), *Basic Facts about In-State Tuition for Undocumented Immigrant Students*, (Feb. 2009).

<sup>16</sup> Roberto G. Gonzales., *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students*, Immigration Policy in Focus, Vol. 5 (13), October 2007, <http://www.aif.org/ipc/infocus/WastedTalent.pdf>, at 1; Dawn Konet, *Unauthorized Youths and Higher Education: The Ongoing Debate*, Migration Policy Institute (Sept. 2007) at <http://www.migrationinformation.org/Feature/display.cfm?ID=642>.

<sup>17</sup> Immigration Policy Center (IPC), *Dreams Deferred: The Costs of Ignoring Undocumented Students*, September 25, 2007, [http://www.aif.org/ipc/policybrief/policybrief\\_2007\\_dream.pdf](http://www.aif.org/ipc/policybrief/policybrief_2007_dream.pdf).

<sup>18</sup> City University of New York (CUNY), *CUNY In State Tuition/Financial Assistance*, available at <http://web.cuny.edu/about/citizenship/info4undocumented/tuition.html> (last visited Apr. 21, 2010); Roberto G. Gonzales., *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students*, Immigration Policy in Focus, Vol. 5 (13), October 2007, <http://www.aif.org/ipc/infocus/WastedTalent.pdf>, at 3.

<sup>19</sup> Human Rights Watch and Immigration Equality, *Family, Unvalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples under U.S. Law*, 35, 2006, available at <http://www.immigrationequality.org/uploadedfiles/FamilyUnvalued.pdf>.

<sup>20</sup> *Id.* at 7.

<sup>21</sup> *Id.* at 13.

<sup>22</sup> Immigration Policy Center, *Summary of the Comprehensive Immigration Reform for America’s Security and Prosperity Act of 2009 (CIR ASAP)* (Dec. 15, 2009).

<sup>23</sup> The Library of Congress, H.R. 4321, available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:HR04321:@@L&summ2=m&>.

<sup>24</sup> *Id.*

<sup>25</sup> Charles E. Schumer and Lindsey O. Graham, *The right way to mend immigration*, The Washington Post, A23 (Mar. 19, 2010).

<sup>26</sup> *Id.*

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

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

(The following is the text of Res. No. 162-A:)

Res. No. 162-A

**A Resolution calling upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.**

By Council Members Mark Viverito, Chin, Dromm, Koppell, Rodriguez, Rose, Williams and Foster.

**Whereas**, When first elected, President Barack Obama promised to make comprehensive immigration reform a top priority during his first year as President of the United States; and

**Whereas**, According to the Migration Policy Institute, as of 2008, there were an estimated 37.9 million immigrants living in the United States; and

**Whereas**, With approximately 4.2 million immigrants, New York State was home to the second largest immigrant population in 2008; and

**Whereas**, There are approximately 12 million undocumented immigrants who work in the United States who are easy prey for economic exploitation by immoral employers; this affects the wages and working conditions of everyone, regardless of status; and

**Whereas**, Current immigration law makes it nearly impossible for undocumented immigrants to obtain student loans for higher education; and

**Whereas**, As of the 2000 Census, there were an estimated 35,820 binational same-sex couples living in the United States, approximately 16,000 of whom were raising children in their homes; and

**Whereas**, Current immigration law does not recognize same-sex marriages and, as such, does not provide any avenues for a United States citizen in a same-sex relationship to sponsor his or her foreign-born partner; and

**Whereas**, There are approximately five million United States citizens whose families contain undocumented immigrants; these families live in constant fear that current immigration law may lead to their families being torn apart; and

**Whereas**, The United States spends nearly \$2 billion each year to detain more than 350,000 immigrants, including children, too many of whom are kept in poor conditions without access to basic medical care, even though there are safe and effective alternatives to detention that keep families together; and

**Whereas**, Many provisions of current immigration law and policy should be reviewed including provisions relating to the increased delegation of enforcement to local jurisdictions and detention and deportation of immigrants, including lawful permanent residents, for a broad range of offenses; and

**Whereas**, According to “The Role of Immigrants in the New York City Economy,” a report issued in January 2010 by the New York State Comptroller’s Office, immigrants accounted for 43% of New York City’s workforce and \$215 billion in economic activity in 2008, which is approximately 32% of New York’s gross city product; and

**Whereas**, Supporters of comprehensive immigration reform believe that such reform is necessary for the nation’s long term economic success; and

**Whereas**, On December 12, 2009, Representatives Solomon Ortiz (D-TX) and Luis Gutierrez (D-IL) introduced the Comprehensive Immigration Reform for America’s Security and Prosperity Act of 2009 (“CIR ASAP”), a piece of legislation developed from the work of civil rights advocates, labor organizations and Congressional members; and

**Whereas**, The CIR ASAP bill includes reforms on (i) border security, detention conditions, and enforcement activities; (ii) employment authorization; (iii) visa processing; (iv) legalization of undocumented immigrants; (v) strengthening America’s workforce; and (vi) integrating new citizens; and

**Whereas**, The Campaign to Reform Immigration FOR America, a consortium of more than 600 organizations from around the nation supporting comprehensive immigration reform, supports the CIR ASAP bill; and

**Whereas**, On March 18, 2010, Senators Chuck Schumer (D-NY) and Lindsey Graham (R-SC) unveiled a bipartisan plan for immigration legislation; and

**Whereas**, The plan’s four pillars are “requiring biometric Social Security cards...strengthening border security and interior enforcement; creating a process for admitting temporary workers; and implementing a tough but fair path to legalization for those already here;” and

**Whereas**, Although both of these proposed plans for comprehensive immigration reform are a good start, they remain incomplete because of their failure to consider binational couples in same-sex relationships or their families, and failure to address the additional challenges posed to immigrants’ and Americans’ civil liberties and civil rights under current immigration law; and

**Whereas**, Many supporters of comprehensive immigration reform believe that it should incorporate the Uniting American Families Act (H.R. 1024/S. 424), which expands the definition of “permanent partner” in the Immigration and Nationality Act to include same-sex couples in order to grant them the same protections under the Immigration and Nationality Act as provided to married opposite sex couples; and

**Whereas**, Just and humane immigration reform should include a path to citizenship for all people willing to lawfully participate in the citizenship application process; and

**Whereas**, Immigrant advocates, including the Campaign to Reform Immigration FOR America, are happy that there is bipartisan support for comprehensive immigration reform in the Senate, but want to ensure that this bipartisan effort will include the promotion of family unification, workers rights, economic opportunity, and national security; and

**Whereas**, It is estimated that tens of thousands of demonstrators rallied in Washington in support of comprehensive immigration reform on March 21, 2010; and

**Whereas**, On March 21, 2010, President Obama responded to demonstrators by reaffirming his commitment to immigration reform in order to fix problems such as families being separated, employers abusing the system and police officers struggling to keep communities safe; and

**Whereas**, Governor Jan Brewer of Arizona signed a draconian measure on illegal immigration into law on April 23, 2010, which, with its goal to identify, prosecute and deport illegal immigrants, is a sign of things to come if Congress fails to enact comprehensive immigration reform; and

**Whereas**, This law, which appears likely to result in the use of racial profiling by law enforcement, is an affront to all of our civil rights and must be condemned; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and President Obama to sign a just and humane comprehensive immigration reform bill in 2010.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS, Committee on Immigration, April 26, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 162** to be adopted.

The following 3 Council Members formally **objected** to the passage of this item: Council Members Halloran, Ignizio, and Oddo.

The following Council Member formally **abstained** to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice vote.

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

Report for voice-vote Res. No. 201

**Report of the Committee on Juvenile Justice in favor of approving a Resolution calling upon the New York State Legislature and Governor Paterson to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest monies into alternative-to-placement programs.**

The Committee on Juvenile Justice, to which the annexed resolution was referred on April 29, 2010, respectfully

#### REPORTS:

**(For text of the report, please see the related Report of the Committee on Juvenile Justice for Int No. 137 printed in these Minutes).**

Accordingly, this Committee recommends its adoption.

**(For text of Rs No. 201, please see the Introduction and Reading of Bills section printed in these Minutes).**

SARA M. GONZALEZ, Chairperson; JAMES SANDERS JR., MARIA DEL CARMEN ARROYO, DANIEL DROMM, Committee on Juvenile Justice, April 26, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 201** to be adopted.

Adopted unanimously by the Council by voice vote.

#### INTRODUCTION AND READING OF BILLS

Int. No. 178

By Council Members Barron, Lander, Rose, Seabrook and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the arraignment process.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of Legislative Findings and Intent. In 1991, the New York State Court of Appeals concluded that failure to arraign arrestees within 24 hours of arrest caused "serious and lasting personal and economic harm to detainees," and violated the Criminal Procedure Law. *See People ex rel. Michele Maxian on Behalf of Damon Roundtree, et al. v. Brown*, 77 N.Y.2d 422 (1991).

In January of 2010, the Queens District Attorney's office testified at a City Council hearing that only 55% of people citywide have an arrest to arraignment time of less than 24 hours. Moreover, the problems associated with delayed arraignments in New York City are disproportionately experienced by people of color, since the vast majority of individuals arrested in New York City are African-American or Latino.

Bringing an arrestee before a judge for arraignment is more than a technicality of the law. The arraignment is the first occasion following an arrest that individuals are formally informed of the charges against them, the right to counsel and to seek bail. It is the first opportunity for individuals who have been fingerprinted, photographed and held for hours incommunicado to finally communicate with legal counsel, family and friends.

Notably, many of those detained are charged with low level offenses, such as misdemeanors or violations, and face no jail time if convicted. While they wait unnecessarily in often overcrowded detention facilities, many are forced to miss work or school, or must urgently attempt to locate child care. Additionally, prolonged detention often creates strains on marital or familial relationships.

This bill is necessary to ensure that the City of New York meets its legal obligation to promptly produce arrestees for arraignment within 24 hours of arrest and shall be known as the "fairness arraignment act." It also creates reasonable oversight over the arrest to arraignment process, and a private right of action for individuals arraigned more than twenty-four hours following arrest.

§2. Chapter one of title ten of the administrative code of the city of New York is amended to add a new section 10-168, to read as follows:

§ 10-168. Arraignment Procedures.

a. New York City agencies and departments that have jurisdiction over the processing of arrests prior to arraignment shall, except in the event of an unforeseeable extraordinary circumstance, complete the processing of an arrest in an expeditious and timely manner so as to ensure that an arrestee is arraigned within twenty-four hours from the time of arrest. Notwithstanding the occurrence of an unforeseeable extraordinary circumstance, the pre-arraignment processing of an arrest shall be completed as soon as practicable. An unforeseeable extraordinary circumstance does not include a circumstance related to the government's failure to allocate resources necessary to process arrests in a timely manner.

b. The New York City Police Department and the New York City Department of Correction shall report on a quarterly basis to the City Council and Public Advocate the number of cases in which arraignment took place more than 24 hours following arrest. The New York City Police Department and the New York City Department of Correction shall include in its reporting, for each arrestee, the time the arrestee came under the custody or control of the respective department, the time the arrestee left the custody or control of the respective department, and any information that may explain why the arrestee was not arraigned within twenty-four hours of arrest. The New York City Police Department and the New York City Department of Correction shall comply in a timely manner to such a demand for information.

c. (i) In any instance in which a person is not arraigned within 24 hours or as otherwise required by this statute, he or she shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as a court may deem appropriate. In an action commenced pursuant to this section, the court shall award the prevailing party reasonable attorney's fees and expenses.

(ii) A cause of action brought pursuant to this section must be commenced within 3 years of the date of the incident giving rise to such a claim.

(iii) For purposes of this section, (a) "prevailing party" means a plaintiff or petitioner in a civil action against the City of New York or any of its agencies or departments who prevails in whole or in substantial part, should the plaintiff or petitioner and the City prevail upon separate issues; and (b) "fees and expenses" shall include the reasonable expenses of expert witnesses, the reasonable cost of conducting a study or analysis, reasonable attorneys fees, including fees for work performed by law students or paralegals under the supervision of an attorney, and like expenses.

§3. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other

provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§4. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Public Safety.

Int. No. 179

By Council Members Brewer, Levin, Comrie, Gentile, Gonzalez, Seabrook, Williams and Nelson.

**A Local Law to amend the administrative code of the City of New York, in relation to street numbers.**

*Be it enacted by the Council as follows:*

Section 1. Section 3-505 of chapter five of title three of the administrative code of the City of New York is amended as follows:

§3-505 Street numbers. a. Requirements. The owner, agent, lessee or other person in charge of any building in the city upon a street to which street numbers of buildings have been assigned by the president of the borough in which such building is situated, shall cause the proper street number or numbers of such buildings to be displayed in such manner that the street number or numbers may at all times be plainly legible from the sidewalk in front of such building. The term "front" as used in this section shall be construed to mean [that] *those side or sides* of the building [which faces] *that (i) contain any entrance or entrances to such building primarily and expressly utilized for day-to-day pedestrian ingress and egress, and (ii) face* the street on which the number or numbers of such building, or premises on which such building is situated, have been allotted. The number or numbers shall be displayed on such side *or sides* of such building or premises. Each borough president shall have the power to establish and enforce rules and regulations relating to the size, form, visibility and location of street numbers in accordance with the requirements of this section.

b. Violations. If the owner, lessee, agent or other person in charge of any building in the city upon a street to which street numbers of buildings have been assigned by the president of the borough in which such building is situated shall fail to display the proper street number of such building, as provided in the foregoing subdivision, the president of the borough in which such building is situated shall forthwith serve such person or persons with a copy of this section, and if after thirty days' notice the owner, lessee, agent or other person in charge of such building shall fail or neglect to comply with the provisions thereof, he or she shall be subject to a penalty of [twenty-five] *two-hundred and fifty* dollars, which shall be sued for and collected in the name of the city. Any person who shall continue any such offense shall pay an additional sum of [five] *fifty* dollars for each day such offense shall continue.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 180

By Council Members Brewer, Fidler, James, Koppell, Lander, Rose and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring grocery stores over 5,000 square feet to provide an electrical plug for delivery food trucks.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505  
GROCERY STORES

§28-505.1 *Electrical Plug In Required for Delivery Food Trucks.* a. *Grocery stores whose square footage measures in excess of 5,000 square feet shall be required to provide an electrical plug for refrigerated delivery food trucks.*

b. *Any person who violates this section shall receive a written warning for the first violation, and shall be liable for a civil penalty in the amount of two hundred dollars for a second violation within an eighteen month period and four hundred dollars for any subsequent violation within an eighteen month period.*

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 181

By Council Members Brewer, Comrie, James, Koppell, Lander, Rose, Vann, Williams, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to securing personal information privacy.**

*Be it enacted by the Council as follows:*

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

Chapter 11 - PERSONAL INFORMATION PRIVACY

§8-1101 *Definitions.* As used in this chapter: (a) "agency" means an office, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other governmental entity performing a governmental function of the city of New York;

(b) "determination" means a decision made by an agency with respect to an individual, including, but not limited to:

- (1) eligibility for services or benefits;
- (2) issuing a permit;
- (3) registration, certification and licensing; and
- (4) liability for civil and criminal penalties.

(c) "personal information" means any information concerning an individual which, because of name, number, symbol, mark or other identifier, can be used to identify that individual;

(d) "record" means any item, collection or grouping of personal information about a subject individual that is retrievable by name or other identifier of the subject individual that is maintained by an agency for the purposes of making a determination about the subject individual, but shall not include an agency's employment records, business records, telephone or email directories and contact lists.

(e) "routine use" means any use of such record or personal information that is compatible with the purpose for which it was collected.

(f) "subject individual" means any natural person about whom personal information has been collected;

§8-1102 *Collection of information.* Each agency that maintains a system of records pertaining to individuals shall: (a) collect information to the greatest extent practicable directly from the subject individual;

(b) collect and maintain only such information about a subject individual as is relevant and necessary to accomplish a purpose of the agency that is required or authorized by law;

(c) inform each individual from whom it collects information on a form that can be retained by the individual of: (1) the law that authorizes the solicitation of the information and whether the disclosure of such information is mandatory or voluntary;

(2) the principle purpose or purposes for which the information is intended to be used;

(3) the agency or agencies that will have access to the information in order to accomplish the purpose or purposes for which the information is intended to be used;

(4) the routine uses which may be made of the information;

(5) the consequences to the subject individual, if any, of failing to provide all or part of the requested information; and

(6) the direct telephone number, address and electronic address of the office or officer responsible for maintaining the system of records.

§8-1103 *Use of information.* (a) An agency shall use personal information obtained from an individual only for the purpose or purposes for which it was collected.

(b) A subject individual may consent to uses of personal information other than the uses authorized in subdivision (a) provided that such consent is informed, voluntary, in writing that describes the other uses to which the information may be put, and is signed by the subject individual.

(c) Consent provided under subdivision b of this section shall be for a period no greater than four years and may be withdrawn by a subject individual in writing at any time to the office or officer responsible for maintaining the system of records.

(d) For the purposes of this section, the parent, or the legal guardian of a minor or any subject individual who has been declared to be incompetent by a court of competent jurisdiction, may act on behalf of such minor or subject individual.

§8-1104 *Access to information.* (a) Officers and employees of an agency shall only have such access to personal information as is necessary to perform their duties.

(b) No agency shall disclose any record pertaining to an individual by any means of communication to any person or agency except pursuant to a written request by, or with the prior written consent of, the subject individual unless disclosure of the record is: (1) to those officers and employees of the agency that maintains the record for a routine use;

(2) specifically authorized by New York state or federal statute, law, rule or regulation;

(3) to another agency, or to a New York state or federal governmental entity, for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency has made a written request to the agency that maintains the records specifying the particular portion desired and the law enforcement activity for which the record is sought; or

(4) pursuant to the order of a court of competent jurisdiction.

(c) Upon written request by an individual, an agency shall provide copies of all the records maintained by an agency that pertain to that individual within fourteen days, excluding any such records that are kept and maintained as part of an ongoing criminal investigation that is authorized by law. For the purposes of this subdivision, accountings created under subdivision c of section 8-1105 of this chapter shall be considered a record pertaining to the subject individual of the record for which such accounting was created. Agencies may charge the individual a maximum of twenty-five cents for each page copied.

(d) Records pertaining to an individual or individuals, excluding any such records that are kept and maintained as part of an ongoing criminal investigation that is authorized by law, shall be made available to a recipient with advance written assurance that the record will be used solely for a statistical research and reporting provided that the records are transferred in a form that contains no information which identifies the subject individual or individuals.

§1105 Information security. Each agency that maintains a system of records pertaining to individuals shall (a) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, inconvenience, or unfairness to any individual on whom information is maintained;

(b) destroy by making unreadable by any means such information that is no longer required for the purpose or purposes for which it was collected, or for purposes of audit or litigation, or to which the subject individual has consented, provided such destruction is in accordance with the rules promulgated by the department of records and information services regarding the disposal of records by city agencies;

(c) create and maintain for not less than five years or for the life of the record, whichever is longer, an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency and the name and address of the person or agency to whom the disclosure is made;

(d) notify the subject individual within twenty-four hours from the discovery of unauthorized access to or disclosure of the personal information of such individual.

§2. This local law shall take effect one hundred eighty days from its enactment.

Referred to the Committee on Technology.

Int. No. 182

By Council Members Brewer, Levin, Chin, Jackson, James, Koppell, Lander, Rose, Sanders, Williams and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to sound reproduction devices on sight-seeing buses.**

Be it enacted by the Council as follows:

Section 1. Subchapter 21 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-376.1, to read as follows:

Section 20-376.1 Sound reproduction on open-air sight-seeing buses. a. Definitions. For purposes of this section the following terms shall have the following meanings:

(1) "Fleet" shall mean the total number of sight-seeing bus licenses issued to open-air sight-seeing buses that are held by one person. A person shall be considered to hold all sight-seeing bus licenses in which: (i) such holder has a direct or indirect beneficial interest; or (ii) a family member of such holder has a direct or indirect beneficial interest.

(2) "Headphone-limited sound reproduction system" shall mean a sound reproduction system that transmits an audio signal, including but not limited to the amplified voice of any guide on an open-air sight-seeing bus, so that the audio signal is audible through personal headphones and is not otherwise audible.

(3) "Open-air sight-seeing bus" shall mean a sight-seeing bus, licensed to operate in New York City, that has seating that is partially or entirely unenclosed.

b. The commissioner shall not issue a new license to any open-air sight-seeing bus that is not equipped with a headphone-limited sound reproduction system. For purposes of this section, a new license is any license issued to a sight-seeing bus that is not a renewal.

c. Open-air sight-seeing buses shall be equipped with headphone-limited sound reproduction systems according to the following schedule:

- (1) By July 1, 2011 no less than ten percent of each fleet;
- (2) By July 1, 2012 no less than forty percent of each fleet;
- (3) By July 1, 2013 no less than sixty percent of each fleet;
- (4) By July 1, 2014 no less than eighty percent of each fleet;

(5) By July 1, 2015, every open-air sight-seeing bus in each licensee's fleet shall be equipped with a headphone-limited sound reproduction system.

d. The department shall verify by inspection that the required number of open-air sight-seeing buses has been equipped with headphone-limited sound reproduction systems, in compliance with the schedule as set forth in paragraph c of this section. The sight-seeing bus license holder of each fleet required to comply with this section shall provide annually to the department a list of buses that are equipped with the required sound equipment, in accordance with rules promulgated by the commissioner.

e. Any sight-seeing bus license holder shall be subject to a fine of not less than \$200 nor more than \$750 per day for each open-air sight-seeing bus that is required to be equipped with a headphone-limited sound reproduction system in order for the fleet to be in compliance with the applicable percentages set forth in paragraph c of this section and that is not so equipped. Additionally, the commissioner shall suspend the licenses of as many open-air sight-seeing buses as the number of such buses that are required to be equipped with a headphone-limited sound reproduction system as set forth in paragraph c of this section but that are not so equipped. Such suspension(s) shall continue until such time as compliance with paragraph c is complete.

f. Beginning on April 1, 2016 the Commissioner shall not renew the license of any open-air sight-seeing bus that is not equipped with a headphone-limited sound reproduction system and shall revoke the license of any open-air sight-seeing bus that is not equipped with a headphone-limited sound reproduction system.

g. The commissioner shall promulgate such rules as are necessary to carry out the provisions of this section.

§2. This local law shall take effect thirty days after it shall have been enacted into law.

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

Int. No. 183

By Council Members Brewer, Chin, Ferreras, Koppell, Lander, Nelson, Rose, Seabrook and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to audible pedestrian signals.**

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 19-183 to read as follows:

§19-183 Audible pedestrian signaling program. (a) The department shall establish an audible pedestrian signaling program. In addition to intersections that are included in any existing audible pedestrian signaling program, the department shall select no fewer than ten intersections at which visual signaling devices are present for inclusion in the program. Intersections selected for inclusion in the program shall include, but not be limited to, those with greater than average pedestrian and vehicular traffic and those most likely to be used by persons with visual impairments. At each of the selected intersections, every crosswalk with a visual signaling device that indicates when it is safe for pedestrians to cross the street shall also include an audible pedestrian signal.

(b) The audible indication that it is safe for pedestrians to cross the street shall be by tone or voice. The tone shall consist of multiple frequencies with a dominant component at 880 Hz with a duration of 0.15 seconds and shall repeat at intervals of 0.15 seconds. The tone or voice volume shall be measured at a distance of thirty-six inches from the pedestrian signal device and shall be 2 dB minimum and 5 dB maximum above the ambient noise level and shall be responsive to ambient noise level changes.

(c) The department shall have at least ten of the additional intersections required by subdivision a of this section chosen for inclusion in the program fully equipped and operational with audible pedestrian signals no later than one hundred and eighty days following the effective date of this section. No later than one hundred and eighty days following the effective date of this section the department shall submit a written report to the council and the mayor analyzing any existing audible pedestrian signaling program, making any recommendations regarding how the program could be improved and detailing the locations and reasons why each of the additional intersections was added to the program. Within one year of the effective date of this section the department shall submit to the council and the mayor a written report analyzing the expanded audible pedestrian signaling program which shall include, but not be limited to, a detailed assessment of all facets of the program, recommendations for improvements to such program, availability of new technology that may be employed by the department for use in such program and any additional locations in the city that may warrant expansion of such program.

§2. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 184

By Council Members Chin, Gentile, Koppell, Seabrook, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring trained pedestrian safety managers at construction sites on or near city sidewalks.**

*Be it enacted by the Council as follows:*

Section 1. Title 19-109 of the administrative code of the city of New York is amended by relettering subdivision c. as subdivision d. and by adding a new subdivision c. to read as follows:

c. *Pedestrian safety managers. During periods of active work, pedestrian safety managers trained pursuant to department rules shall be utilized to direct pedestrian traffic.*

[c.] d. Disturbance, prohibited. It shall be unlawful to throw down, displace or remove any barrier, shoring, plate or warning sign or to extinguish or remove any light thereon or on any obstruction in any street, without the written consent of the commissioner or without the consent of the person superintending the work or materials protected thereby.

§2. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 191

**Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services.**

By Council Member Comrie (by request of the Mayor).

**WHEREAS**, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

**WHEREAS**, pursuant to Section 363 of the Charter ("the Charter") of the City of New York ("the City"), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for installation of telecommunications equipment and facilities on, over and under the inalienable property of the City in connection with the provision of mobile telecommunications services, and has prepared a proposed authorizing resolution for the granting of such franchises; and

**WHEREAS**, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter; and

**WHEREAS**, the Council has determined that it is appropriate to authorize the granting of such franchises as described hereinafter;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of telecommunications equipment and facilities on, over and under the inalienable property of the City to be used in providing mobile telecommunications services in the City of New York.

B. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter.

C. For purposes of this resolution, "mobile telecommunications services" shall mean any "mobile service", as defined in Section 153 of Title 47 of the United States Code, and other voice and/or data communications or information services employing electromagnetic waves propagated through space to serve portable sending and/or receiving equipment.

D. The public services to be provided under such franchises shall be mobile telecommunications services.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the "Expiration Date"). No franchises shall be approved pursuant to this

resolution by the Department Of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a Request For Proposals ("RFP") or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review ("CEQR") and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate responses to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

(1) the adequacy of the proposed compensation (which may include monetary and/or in-kind compensation, as provided in the applicable RFP or other solicitation) to be paid to the City for the use of City property;

(2) the ability of the respondent(s) to maintain the property of the City in good condition throughout the term of the franchise;

(3) the consistency of the response(s) to the City's management of local rights-of-way activities, plans and goals.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided, however, that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereafter, shall be included in a written franchise agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

(1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;

(2) the compensation to be paid to the City shall be adequate and may include monetary or in-kind compensation or both;

(3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;

(4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;

(5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities as appropriate at the direction of the applicable agency;

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

(7) there shall be provisions to ensure access by the City to books and records of the franchisee as necessary or appropriate to review and/or enforce compliance with the franchise agreement;

(8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;

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

(10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment, purchasing and investigations;

(11) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the City and provisions to

restrict changes in control of the franchisee without the prior written consent of the City;

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

(13) all franchisees shall be subject to review under the City's Vendor Information Exchange System ("VENDEX");

(14) franchisees shall be required to hold any applicable licenses and permits required by the New York State Public Service Commission and the Federal Communications Commission;

(15) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(16) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services that utilize the property of the City, from damage or interruption of operation resulting from the construction, operation, maintenance, repair or removal of facilities, equipment or other improvements related to the franchise; and

(17) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction of improvements relating to the franchise.

K. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

(1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;

(2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

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

Referred to the Committee on Land Use.

Int. No. 185

By Council Members Crowley, Comrie and Seabrook.

**A Local Law to amend the administrative code of the city of New York, in relation to illegal signs.**

*Be it enacted by the Council as follows:*

Section 1. Article 501 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-501.4.1 to read as follows:

*§28-501.4.1. Notice. Notice of violation to a person charged with a violation for any outdoor sign that violates any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto, shall be made upon such person no later than five days after an authorized employee or agent of the department initially drafts such notice of violation.*

§2. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-501.7 to read as follows:

*§28-501.7 Grace period. Where a person has been charged with a violation for any outdoor sign that violates any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto, and such person has never previously been found in violation of any provision of the zoning resolution, this code, the 1968 building code or rules adopted pursuant thereto, relating to outdoor signs, the commissioner shall provide such person with a grace period to correct the alleged violation. The commissioner shall determine the duration of the grace period, provided that (1) such grace period commences on the date when the first notice of violation is issued and (2) no subsequent notice of violation for the same violation at the same location be issued to the respondent and no penalty imposed upon the respondent unless such respondent has not corrected the alleged violation within the time period provided by the grace period. For the purposes of this section, each day's continuance of the violation shall not be a separate and distinct violation, as provided by section 28-501.4 of this title, unless the alleged violation is not corrected by the end of the grace period, in which case, each day's continuance of the violation after the grace period has expired shall be a separate and distinct violation.*

§3. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 16 to read as follows:

*SUBCHAPTER 16*

*DISCLOSURE OF LEGAL SIGNAGE*

*§20-810. Definitions. As used in this subchapter, the following terms shall have the following meanings: 1. "Binding contract of sale" means a real estate purchase contract or offer that would, upon signing by the seller and subject to satisfaction of any contingencies, require the buyer to accept a transfer of title.*

*2. "Knowledge" means only actual knowledge of a defect or condition on the part of the seller of residential real property.*

*3. "Real estate purchase contract" means any of the following: (a) a contract which provides for the purchase and sale or exchange of residential real property;*

*(b) a lease with an option to purchase residential real property;*

*(c) a lease-with-obligation-to-purchase agreement for residential real property; or*

*(d) an installment land sale contract for residential real property.*

*4. "Residential real property" means real property improved by a one to four family or multiple dwelling used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons, but shall not refer to (a) unimproved real property upon which such dwellings are to be constructed, or (b) condominium units or cooperative apartments, or (c) property in a homeowners' association that is not owned in fee simple by the seller.*

*5. "Sign" means a sign as defined in section 12-10 of the zoning resolution except that such term shall not include any sign subject to regulation by the department of transportation.*

*6. "Transfer of title" means delivery of a properly executed instrument conveying title to residential real property and shall include delivery of a real estate purchase contract that is a lease or installment land sale contract.*

*§20-811. Disclosure of legal signage statement. 1. Except as is provided in section 20-812 of this subchapter, every seller of residential real property pursuant to a real estate purchase contract shall complete and sign a disclosure of legal signage statement as prescribed by subdivision two of this section and cause it, or a copy thereof, to be delivered to a buyer or buyer's agent prior to the signing by the buyer of a binding contract of sale. A copy of the disclosure of legal signage statement containing the signatures of both seller and buyer shall be attached to the real estate purchase contract. Nothing contained in this article or this disclosure statement is intended to prevent the parties to a contract of sale from entering into agreements of any kind or nature with respect to the physical condition of the property to be sold, including, but not limited to, agreements for the sale of real property "as is".*

*2. The following shall be the disclosure of legal signage statement:*

*DISCLOSURE OF LEGAL SIGNAGE STATEMENT*

*NAME OF SELLER OR SELLERS:*

*PROPERTY ADDRESS:*

*PURPOSE OF STATEMENT: THIS IS A STATEMENT OF DISCLOSURE OF LEGAL SIGNAGE CONCERNING THE PROPERTY KNOWN TO THE SELLER. THIS DISCLOSURE STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR BY ANY AGENT REPRESENTING THE SELLER IN THIS TRANSACTION. IT IS NOT A SUBSTITUTE FOR ANY INSPECTIONS AND THE BUYER IS ENCOURAGED TO OBTAIN HIS OR HER OWN INDEPENDENT PROFESSIONAL INSPECTIONS AND ALSO IS ENCOURAGED TO CHECK PUBLIC RECORDS PERTAINING TO THE PROPERTY.*

*A KNOWINGLY FALSE OR INCOMPLETE STATEMENT BY THE SELLER ON THIS FORM MAY SUBJECT THE SELLER TO CLAIMS BY THE BUYER PRIOR TO OR AFTER THE TRANSFER OF TITLE. IN THE EVENT A SELLER FAILS TO PERFORM THE DUTY PRESCRIBED IN THIS ARTICLE TO DELIVER A DISCLOSURE STATEMENT PRIOR TO THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE, THE BUYER SHALL RECEIVE UPON THE TRANSFER OF TITLE A CREDIT OF FIVE HUNDRED DOLLARS AGAINST THE AGREED UPON PURCHASE PRICE OF THE RESIDENTIAL REAL PROPERTY.*

*"RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY A ONE TO FOUR FAMILY DWELLING USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED, WHOLLY OR PARTLY, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS, BUT SHALL NOT REFER TO (A) UNIMPROVED REAL PROPERTY UPON WHICH SUCH DWELLINGS ARE TO BE CONSTRUCTED OR (B) CONDOMINIUM UNITS OR COOPERATIVE APARTMENTS OR (C) PROPERTY ON A HOMEOWNERS' ASSOCIATION THAT IS NOT OWNED IN FEE SIMPLE BY THE SELLER.*

*INSTRUCTIONS TO THE SELLER:*

*(a) ANSWER ALL QUESTIONS BASED UPON YOUR ACTUAL KNOWLEDGE.*

*(b) COMPLETE THIS FORM YOURSELF.*

*(c) IF SOME ITEMS DO NOT APPLY TO YOUR PROPERTY, ANSWER "NA" (NON-APPLICABLE).*

*(d) ATTACH COPIES OF ALL CURRENT MAINTENANCE PERMITS FOR OUTDOOR SIGNS LOCATED ON OR ATTACHED TO THE PROPERTY.*

*QUESTIONS*

*1. HOW MANY OUTDOOR SIGNS ARE LOCATED ON OR ARE ATTACHED TO THE PROPERTY (IF THERE ARE NO OUTDOOR SIGNS, ANSWER ZERO)?*

*2. DO ANY OUTDOOR SIGNS NOT HAVE CURRENT*

MAINTENANCE PERMITS ISSUED BY THE NEW YORK CITY DEPARTMENT OF BUILDINGS?

3. IF THE ANSWER TO QUESTION #2 ABOVE IS "YES", WHICH SIGN OR SIGNS DO NOT HAVE CURRENT MAINTENANCE PERMITS?
4. IF THE ANSWER TO QUESTION #2 ABOVE IS "YES", WHICH SIGN OR SIGNS HAVE AN APPLICATION FOR A PERMIT OR PERMIT RENEWAL CURRENTLY PENDING?

SELLER'S CERTIFICATION: SELLER CERTIFIES THAT THE INFORMATION IN THIS DISCLOSURE OF LEGAL SIGNAGE STATEMENT IS TRUE AND COMPLETE TO THE SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED DISCLOSURE OF LEGAL SIGNAGE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT, HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED DISCLOSURE OF LEGAL SIGNAGE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.

SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
 SELLER \_\_\_\_\_ DATE \_\_\_\_\_

BUYER'S ACKNOWLEDGMENT: BUYER ACKNOWLEDGES RECEIPT OF A COPY OF THIS STATEMENT AND BUYER UNDERSTANDS THAT THIS INFORMATION IS A DISCLOSURE OF LEGAL SIGNAGE CONCERNING THE PROPERTY KNOWN TO THE SELLER. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR SELLER'S AGENT AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OF THE PROPERTY OR INSPECTION OF THE PUBLIC RECORDS.

BUYER \_\_\_\_\_ DATE \_\_\_\_\_  
 BUYER \_\_\_\_\_ DATE \_\_\_\_\_

§20-811. Exemptions. A disclosure of legal signage statement shall not be required in connection with any of the following transfers of residential real property: 1. A transfer pursuant to a court order, including, but not limited to, a transfer order by a probate court during the administration of a decedent's estate, a transfer pursuant to a writ of execution, a transfer by a trustee in bankruptcy or debtor-in-possession, a transfer as a result of the exercise of the power of eminent domain, and a transfer that results from a decree for specific performance of a contract or other agreement between two or more persons;

2. A transfer to mortgagee or an affiliate or agent thereof by a mortgagor by deed in lieu of foreclosure or in satisfaction of the mortgage debt;
3. A transfer to a beneficiary of a deed of trust;
4. A transfer pursuant to a foreclosure sale that follows a default in the satisfaction of an obligation that is secured by a mortgage;
5. A transfer by a sale under a power of sale that follows a default in the satisfaction of an obligation that is secured by a mortgage;
6. A transfer by a mortgagee, or a beneficiary under a mortgage, or an affiliate or agent thereof, who has acquired the residential real property at a sale under a mortgage or who has acquired the residential real property by a deed in lieu of foreclosure;
7. A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;
8. A transfer from one co-owner to one or more other co-owners;
9. A transfer made to the transferor's spouse or to one or more persons in the lineal consanguinity of one or more of the transferors;
10. A transfer between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of property settlement, agreement incidental to a decree of divorce, dissolution of marriage, annulment or legal separation;
11. A transfer to or from the state, a political subdivision of the state, or another governmental entity;
12. A transfer that involves newly constructed residential real property that previously had not been inhabited;
13. A transfer by a sheriff; or
14. A transfer pursuant to a partition action.

§20-812. Revision. If a seller of residential real property acquires knowledge which renders materially inaccurate a disclosure of legal signage statement provided previously, the seller shall deliver a revised disclosure of legal signage statement to the buyer as soon as practicable. In no event, however, shall a seller be required to provide a revised disclosure of legal signage statement after the transfer of title from the seller to the buyer or occupancy by the buyer, whichever is earlier.

§20-813. Remedy. 1. In the event a seller fails to perform the duty prescribed in this article to deliver a disclosure statement prior to the signing by the buyer of a binding contract of sale, the buyer shall receive upon the transfer of title a credit of five hundred dollars against the agreed upon purchase price of the residential real property.

2. Any seller who provides a disclosure of legal signage statement or provides or fails to provide a revised disclosure of legal signage statement shall be liable only for a willful failure to perform the requirements of this article. For such a willful failure, the seller shall be liable for the actual damages suffered by the buyer in addition to any other existing equitable or statutory remedy.

§20-813. Liability. Nothing contained in this article shall be construed as limiting any existing legal cause of action or remedy at law, in statute or in equity.

§4. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Housing and Buildings.

Res. No. 192

**Resolution calling upon the New York City Department of Education to conduct a feasibility study on the acquisition of former Catholic school buildings as sites to house special public education programs, charter schools and traditional public schools.**

By Council Members Dickens, Chin, Comrie, Fidler, James, Koppell, Lander, Recchia, Seabrook, Vann, Rodriguez, Mark-Viverito, Nelson and Halloran.

**Whereas**, Overcrowding has historically been a problem faced by New York City public schools; and

**Whereas**, According to the latest data available from the New York City Department of Education (DOE) the citywide average utilization rate for elementary schools is 95% with many individual elementary schools across the City at more than 100% of capacity; and

**Whereas**, For high schools, the most overcrowded school level in the City, the situation is even worse, with the citywide average utilization rate for high schools at 99%, with many individual high schools well over 100% of capacity, according to the latest DOE data available; and

**Whereas**, The creation of new charter schools has added to the need for new capacity and exacerbated the competition for scarce school space; and

**Whereas**, Finding sites for the construction of new school buildings is extremely difficult in New York City, where real estate prices are high and locations uncontaminated by environmental pollutants suitable for schools are in short supply; and

**Whereas**, Construction of new schools is costly and far more expensive than leasing and renovating or retrofitting existing school buildings; and

**Whereas**, Furthermore, in the current economic downturn, City and State funds are severely limited and budgets are being cut; and

**Whereas**, In recent years, many Catholic schools throughout the nation and the City have closed due to declining enrollments; and

**Whereas**, The Brooklyn Diocese alone has shuttered nearly 40% of its grade schools in the past seven years according to a January 13, 2009 New York Times article; and

**Whereas**, In Washington and other areas in the nation, some closing parochial schools have been converted into charter schools; and

**Whereas**, Many parochial school buildings throughout New York City sit vacant or underutilized; and

**Whereas**, The City's public school system has not taken advantage of this mostly untapped space resource; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to conduct a feasibility study on the acquisition of former Catholic school buildings as sites to house special public education programs, charter schools and traditional public schools.

Referred to the Committee on Education.

Res. No. 193

**Resolution in support of naming a newly designated space at City College in honor of General Colin Powell as "The Colin L. Powell Hall."**

By Council Members Dickens, Comrie, Fidler, Gentile, James, Nelson, Rose, Sanders, Vann and Halloran.

**Whereas**, The City College of New York ("City College") is one of 23 institutions within The City University of New York ("CUNY"); and

**Whereas**, General Colin Powell, an alumnus of City College, is a prominent African-American who has served as four-star general in the United States Army, National Security Advisor and the U.S. Secretary of State under President George W. Bush; and

**Whereas**, With a grant from the May and Samuel Rudin Family Foundation, General Colin Powell founded the Colin Powell Center for Policy Studies at The City College of New York in 1997, which is an educational, training and research center that seeks to build a strong culture of civic engagement; and

**Whereas**, The center's mission is to prepare new generations of publicly engaged leaders from underrepresented populations in public service and public policy; and

**Whereas**, The Colin Powell Center provides training and support for students and faculty members and actively engages community-based partners and the public at large; and

**Whereas**, The Colin Powell Center has enriched its students by offering generous scholarships, leadership development training, and opportunities for public service and public policy research; and

**Whereas**, The Colin Powell Center also encourages faculty to teach service-learning courses to engage in community-based research and sponsors numerous conferences, symposia and workshops on an annual basis; and

**Whereas**, The Colin Powell Center is currently housed in Shepard Hall, where the main office is located on the fifth floor, and the conference site is on the second floor; and

**Whereas**, The Colin Powell Center shares Shepard Hall with the Multimedia Arts department, the Music department, the Center for Algorithms and Interactive Scientific Software and several administrative offices; and

**Whereas**, The Colin Powell Center has expanded rapidly over the past four years, supporting four times as many student Powell Fellows, sponsoring 20 public events and 15 service learning classes each year; and

**Whereas**, In addition, several hundred City College students participate in Powell Center activities; and

**Whereas**, A new space is urgently needed for conferences, receptions, classrooms, lecture halls, and student research areas, which the Powell Center cannot currently accommodate; and

**Whereas**, City College is renovating one of its buildings and will relocate the Powell Center to a designated space in that building; and

**Whereas**, This new space would be appropriately named "The Colin L. Powell Hall," because it would integrate the vibrant activities of the Powell Center into the broader life of the campus; and

**Whereas**, The Colin L. Powell Hall would serve as the premier location on campus where government officials, community groups, faculty and students would meet to discuss issues of public interest; and

**Whereas**, General Colin Powell is a distinguished scholar who has made significant contributions nationally and internationally, and especially to City College and The City University of New York; and

**Whereas**, The new space should be named after General Colin Powell in recognition of his contributions, and in celebration of the growth and success of the Powell Center; now, therefore be it

**Resolved**, That the Council of the City of New York supports naming a newly designated space at City College in honor of General Colin Powell as "The Colin L. Powell Hall."

Referred to the Committee on Higher Education

Res. No. 194

**Resolution commending the Schomburg Center for Research in Black Culture for its efforts in preserving materials documenting the experiences of people of African descent throughout the world and urging the New York Public Library to maintain the Schomburg Center as one of the preeminent research libraries in the City of New York.**

By Council Members Dickens, Brewer, Comrie, Fidler, James, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Rodriguez and Nelson.

**Whereas**, The Schomburg Center for Research in Black Culture (the "Schomburg Center") is a national research library devoted to collecting, preserving and providing access to resources documenting the experiences of people of African descent throughout the world; and

**Whereas**, The origins of the Schomburg Center date back to 1926 when the personal collection of materials of Arturo Alfonso Schomburg, a distinguished black scholar and bibliophile born in Puerto Rico, received international acclaim and was added to the Division of Negro Literature, History and Prints at the 135<sup>th</sup> Street branch of the New York Public Library (the "NYPL"); and

**Whereas**, Arturo Alfonso Schomburg served as curator of the Division of Negro Literature, History and Prints from 1932 until his death in 1938, and in 1940, the Division of Negro Literature, History and Prints was renamed in his honor; and

**Whereas**, In 1972, the Schomburg Center was designated as a research library of the NYPL; and

**Whereas**, Currently, according to Dr. Howard Dodson, Executive Director of the Schomburg Center, the Schomburg Center contains over 10 million items and provides services and programs for interested individuals from New York City, the United States and abroad; and

**Whereas**, The Schomburg Center is one of the world's leading research facilities devoted to the preservation of materials from the global African and the African diaspora experiences; and

**Whereas**, National and international entities such as the U.S. General Services Administration, the National Parks Service, the Congressional Black Caucus, the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the African Union and African and Caribbean nation states have turned to the Schomburg Center for guidance with respect to research regarding the global African and African diaspora experiences; and

**Whereas**, According to a study conducted for the NYPL, the Schomburg Center was consistently rated the highest or close to the highest of the NYPL research libraries by patrons on ease of use, success in receiving materials, and overall quality of encounters with staff, as well as in knowledge, courteousness and clarity of explanations provided; and

**Whereas**, The Schomburg Center is a focal point of Harlem's cultural life and a major cultural tourism attraction and economic resource for New York City; and

**Whereas**, The NYPL's system of four research centers, including the Schomburg Center, and the large network of neighborhood branch libraries has been extremely successful in meeting both the research and book borrowing needs of the public, and have helped make the NYPL unique from other libraries nationwide and worldwide; and

**Whereas**, Maintaining the distinction between research centers and branch libraries is imperative in preserving the Schomburg Center as a preeminent research library; now, therefore, be it

**Resolved**, That the Council of the City of New York commends the Schomburg Center for Research in Black Culture for its efforts in preserving materials documenting the experiences of people of African descent throughout the world and urges the New York Public Library to maintain the Schomburg Center as one of the preeminent research libraries in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 195

**Resolution calling upon the New York State Legislature to pass A.1461, which would amend the public authorities law, in relation to establishing a no fare program for transportation on the New York City Transit Authority system, the Long Island Rail Road, and the Metro-North Commuter Railroad Company for senior citizens.**

By Council Members Dickens, Comrie, Gentile, Koslowitz, Seabrook and Rodriguez.

**Whereas**, A.1461, which has been introduced in the New York State Assembly, would require the Metropolitan Transportation Authority (MTA), in consultation with the New York City Transit Authority (NYCTA), the Long Island Rail Road (LIRR), and the Metro-North Commuter Railroad Company (Metro-North), to establish and implement a no fare program for transportation on NYCTA, the LIRR and the Metro-North for senior citizens sixty-five years of age or older; and

**Whereas**, A.1461 would require senior citizens to present proof of age to participate in the program, either by their Medicare card, driver's license, birth certificate or such other manner as the MTA deems sufficient; and

**Whereas**, The no fare program would be implemented on weekdays between the off-peak hours of 9:00 a.m. and 4:00 p.m., and all day on weekends; and

**Whereas**, This proposed program would provide assistance to seniors who are below the poverty level and rely heavily on public transportation; and

**Whereas**, A precedent exists for free transportation to certain populations, since full fare Metrocard passes are provided to certain New York City public school children to enable them to ride free from 5:30 a.m. to 8:30 p.m. during weekdays; and

**Whereas**, The cities of Ann Arbor, Michigan; Austin, Texas; Davis, California; Detroit, Michigan; Jacksonville, Florida; York, Pennsylvania; Providence, Rhode Island; and Miami, Florida; all provide free transportation fares for eligible senior citizens at all times; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass A.1461, which would amend the public authorities law, in relation to establishing a no fare program for transportation on the New York City Transit Authority system, the Long Island Rail Road, and the Metro-North Commuter Railroad Company for senior citizens.

Referred to the Committee on Aging.

Int. No. 186

By Council Members Dilan, Comrie, Fidler, Lander and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to professional certification by registered design professionals charged with a criminal offense.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-104.2.1.3.2 Mandatory sanctions. The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. *The commissioner shall also exclude, suspend or otherwise condition the participation of a registered design professional that has been charged with a criminal offense that relates in any way to the professional activities of such registered design professional. A registered design professional charged with such criminal offense shall notify the department in writing of such charge and of any conviction in a criminal proceeding within ten days of each such occurrence.* The term "otherwise condition" shall mean limitations on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions.

§2. Section 28-104.2.1.3.2.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new section 28-104.2.1.3.2.1.1 to read as follows:

§28-104.2.1.3.2.1.1 *A registered design professional that has been excluded or suspended from the program or whose participation in the program has been otherwise conditioned as a result of being charged with a criminal offense or a conviction in a criminal proceeding, may apply for reinstatement when such charge or proceeding is dismissed or resolved in favor of the registered design professional. Such reinstatement shall be allowed without the imposition of any condition.*

§3. Section 28-104.2.1.3.2.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-104.2.1.3.2.2 Mandatory permanent revocation. The commissioner shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect who, while on probation, professionally certifies an application, plans, construction documents or other document that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws. *The commissioner shall also permanently revoke the professional certification privileges of a registered design professional who has been convicted in a federal or state court criminal proceeding when such conviction relates to the professional activities of such registered design professional.*

§4. This local law shall take effect immediately upon enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 187

By Council Members Dilan, Comrie, Fidler, James, Seabrook, Nelson and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the dismissal of a notice of violation when access is denied to an owner to make repairs to or inspect a dwelling unit.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2115 of the administrative code of the city of New York is amended by adding a new subdivision (p) to read as follows:

*p. Notwithstanding any other provision of law, the department shall dismiss any notice of violation without prejudice to the department when a tenant or other lawful occupant of a dwelling unit denies access to an owner or his or her agent, or other person responsible for the correction of such violation or authorized on behalf of such owner to inspect such dwelling unit to determine compliance with this code or any other applicable provision of law, when the attempt to gain access is made at a reasonable time and in a reasonable manner. An owner shall apply for such dismissal and the department shall dismiss the notice of violation upon the owner's demonstration that such reasonable attempts to gain access to the dwelling unit were made on at least four separate occasions prior to his or her request for a dismissal of any notice of violation related to such dwelling unit. Such demonstration shall be made through the provision of reasonable documentation, including evidence of written requests for access sent to the tenant or other lawful occupant, certification attesting to actual attempts made to gain access or repeated refusal by a tenant or other lawful occupant to grant access, or any other proof deemed valid and reliable by the department.*

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of housing preservation and development shall take such actions, including the promulgations of rules, as are necessary for implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 196

**Resolution calling upon the New York State Legislature to pass the "Dignity For All Students Act" (A.03661-C/S.01987B), a bill that would establish policies and procedures to provide all students in public schools with an environment free of harassment and discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, sexual orientation, gender, or sex.**

By Council Members Dromm, Chin, Comrie, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Recchia, Rose, Sanders, Van Bramer, Rodriguez, Mark-Viverito, Lappin and Nelson.

**Whereas**, Many students in the New York City school system are affected by discrimination and harassment that interferes with such students' educational performance, opportunities and emotional or physical well-being and the well-being of the entire school community; and

**Whereas**, A 2005 survey on the prevalence of bias-based harassment in New York schools commissioned by the Gay, Lesbian and Straight Education Network (GLSEN) found that more than one-third (39%) of New York students reported that bullying, name-calling, and harassment is a serious problem in school; and

**Whereas**, According to this GLSEN survey, the most commonly reported harassment was based on physical appearance, with 66% of students reporting that people at school were harassed at least sometimes because of their looks or body size; and

**Whereas**, Furthermore, the GLSEN survey found that the next most common form of bullying and harassment, reported by 57% of respondents, was based on how people expressed their gender, or because of their actual or perceived sexual orientation; and

**Whereas**, Bullying, harassment and intimidation can interfere with a student's ability to learn and can lead to lower grades, skipping school and engaging in high risk behaviors like drug use, alcohol abuse, and even suicide; and

**Whereas**, The purpose of the "Dignity For All Students Act" (DASA) is to afford all students an environment free of any harassment that substantially interferes with their education and free of discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, sexual orientation, gender, or sex; and

**Whereas**, DASA would require school districts to establish policies and guidelines to create a school environment free of discrimination and harassment and to establish guidelines for training school personnel; and

**Whereas**, The bill would also require school districts to establish guidelines for developing nondiscriminatory instructional and counseling methods and to ensure that specially trained staff would be available at every school to handle human relations in the areas of prohibited conduct; and

**Whereas**, The State Education Commissioner would be required to create a procedure whereby incidents of discrimination and harassment on school grounds or at school functions are reported to the State Education Department at least annually; and

**Whereas**, Additionally, DASA would provide protection for people who report incidents of discrimination or harassment; and

**Whereas**, Finally, DASA would also mandate that a component to increase sensitivity awareness to harassment and discrimination be incorporated into the civility, citizenship and character education curriculum currently required; and

**Whereas**, The enactment of DASA would benefit the children of New York City by helping to create a safe, welcoming and supportive school environment whereby students can concentrate on their academic and personal growth; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass the "Dignity For All Students Act" (A.03661-C/S.01987B), a bill that would establish policies and procedures to provide all students in public schools with an environment free of harassment and discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, disability, sexual orientation, gender, or sex.

Referred to the Committee on Education.

Res. No. 197

**Resolution urging Congress to pass the Uniting American Families Act and to consider the elements of the Uniting American Families Act when preparing a comprehensive immigration reform bill.**

By Council Members Dromm, Chin, Comrie, Ferreras, James, Koslowitz, Lander, Rose, Van Bramer, Williams, Rodriguez and Mark-Viverito.

**Whereas**, The principle of “family unification,” by which United States citizens are entitled to sponsor immediate family members for legal immigration, is purported to be the sacred cornerstone of United States immigration law, intended to protect and promote the sanctity of family; and

**Whereas**, Current United States immigration law grants married opposite-sex partners full consideration and highest priority for the foreign partner’s permanent resident status but does not recognize the legitimacy or validity of same-sex lesbian, gay, bisexual, or transgender (LGBT) relationships; and

**Whereas**, According to the 2000 United States Census, there were 35,820 same-sex binational couples in the United States; and

**Whereas**, Although these couples are not recognized under United States immigration law they have established stable homes together, developed joyful loving bonds and, in many cases raised children together, shared dreams together, celebrated anniversaries together, mourned losses together, built lives together, and created in every way a family; and

**Whereas**, Regardless of length of cohabitation, of investment in their communities, of state-sanctioned domestic partnership, civil union, or marriage, these couples are not a “family” by United States immigration law definition; and

**Whereas**, These couples live each day in a chronic state of fear, facing the constant specter of eventual deportation and decimation of their cherished family unit because their same-sex status denies them protections under immigration law; and

**Whereas**, Many such couples, because of their same-sex partnership, have been both physically and emotionally torn apart, or have chosen to leave the United States as a family in order to avoid their own nation’s discriminatory immigration policy; and

**Whereas**, Forcing American citizens and legal permanent residents to make inhuman choices such as deserting their own homeland, families and friends is contrary to American immigration policy’s professed reverence of family unification, as well as the profoundly American principle of equal treatment under the law; and

**Whereas**, Rather than persisting with such discriminatory behavior, the United States should further the international pursuit of human rights, joining with the progressive policies of leading democracies worldwide, including Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland and the United Kingdom, all of which recognize and celebrate same-sex partners’ rightful claim to be considered “family” in terms of legal immigration; and

**Whereas**, As a means to eliminate discrimination in immigration legislatively, New York Representative Jerrold Nadler and Vermont Senator Patrick Leahy introduced the Uniting American Families Act (H.R.1024/S.424) in the 111<sup>th</sup> Congress; and

**Whereas**, Furthermore, Representative Mike Honda included the provisions of the Uniting American Families Act in H.R. 2709, the Reuniting Families Act, a bill that addresses all families and the impacts of current immigration law; and

**Whereas**, If enacted, the Uniting American Families Act would expand the Immigration and Nationality Act to define a “permanent partner” in a way that includes same-sex couples and would allow them the same protections under the Immigration and Nationality Act (INA) as are provided to married opposite sex couples; and

**Whereas**, In order to qualify as a “permanent partner” under the Uniting American Families Act, an individual 18 years of age or older must establish (i) that he or she is in a committed, intimate relationship with another adult in which both parties intend a life long commitment; (ii) that there is financial interdependence, (iii) that neither party is married or in a permanent partnership with another person, and (iv) that he or she is unable to enter in a marriage in a manner that is recognized under the INA; and

**Whereas**, New Yorkers rely upon their elected legislators in the United States House of Representatives and Senate to develop and pursue reasoned, fair, and just legislation reflecting our ideals as New Yorkers, as American citizens, and as citizens of the world with an unqualified, vested interest in the promotion of human rights; and

**Whereas**, Chairman of the Immigration Subcommittee, Senator Charles E. Schumer stated during the 2009 6<sup>th</sup> Annual Immigration Law and Policy Conference that comprehensive immigration reform must include seven fundamental principles, including family reunification; and

**Whereas**, As mentioned in President Obama’s State of the Union Address he is committed to confronting our broken immigration system in practical and effective ways; and

**Whereas**, As the Obama administration and Congress move forward with drafting a meaningful and effective comprehensive immigration reform package, the bill must encompass unifying all family members and keeping all families, including bi-national families intact; now, therefore, be it

**Resolved**, That the Council of the City of New York urges Congress to pass the Uniting American Families Act and to consider the elements of the Uniting American Families Act when preparing a comprehensive immigration reform bill.

Referred to the Committee on Immigration.

Int. No. 188

By Council Members Fidler, Foster, Lander, Reyna, Williams, Seabrook, Cabrera, Chin, Arroyo, Van Bramer, Rodriguez, Levin, Barron, Ferreras, Rose, Koslowitz, Nelson, Vann, Mark-Viverito, White, Lappin and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to sales of cooperative apartments.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that there is credible anecdotal evidence of instances of housing discrimination and/or barriers to successful applications for purchase of units occurring in certain cooperative apartment buildings in the city of New York. However, at the same time the Council acknowledges that it is difficult to determine if housing discrimination is any more wide-spread or systemic in cooperative apartment sales than it is in any other type of housing accommodation, all of which are governed by city, State and federal anti-discrimination statutes.

The Council further finds that the cooperative form of home ownership, the most dominant form of home ownership in parts of the city, has many advantages. Often, it provides residents with the most affordable means of owning a home in a city with very high housing costs. In addition, the fact that a residential building is structured as a cooperative often makes it easier to fund capital improvements and repairs, an important consideration in a city where preservation of housing is critical.

However, this same structure may make cooperative apartment ownership less transparent. While the Council has found no evidence to believe that housing discrimination is more prevalent in cooperative buildings than in other forms of housing, it does find that it is often more difficult to determine whether discrimination has occurred in any given instance where a prospective buyer is not allowed to proceed with the purchase of shares of a cooperative corporation’s stock. Sometimes, the Council finds, prospective purchasers apply to a cooperative’s board and are never given an answer on their application. In other instances, applicants may be asked for more and more information that was not apparently part of the original application process. These cases may be motivated by discrimination or not. But the lack of transparency and regularity place additional burdens on both prospective purchasers and sellers of shares in cooperative apartments. This is detrimental to the city’s housing market and to sellers and prospective purchasers alike.

Therefore, the Council finds that clarity and streamlining, in the form of a fair and uniform process, should improve the system for transferring shares in cooperative apartments and redound to the benefit of both sellers and prospective purchasers while at the same time providing government with the tools it needs to ferret out any discrimination that may occur. A uniform application for all apartments subject to the same by-laws, a time-frame fixed by law within which cooperative boards must render a decision on a completed application and a requirement to maintain application records which would be subject to review of the city’s Human Rights Commission would provide the elements of such a process without putting any undue burden on the city’s cooperative apartments.

§2. Title 8 of the administrative code of the city of New York is amended by adding a new chapter eleven, to read as follows:

**CHAPTER 11**

**FAIR COOPERATIVE PROCEDURE LAW**

- §8-1120 *Short title.*
- §8-1121 *Definitions.*
- §8-1122 *Purchase applications.*
- §8-1123 *Action upon receipt of application.*
- §8-1124 *Contrary agreements void for public policy.*
- §8-1125 *Civil remedies; Penalty.*
- §8-1126 *Audits; Reporting.*

§8-1120 *Short title.* This chapter shall be known as the “Fair Cooperative Procedure Law.”

§8-1121 *Definitions.* For the purposes of this chapter, the following terms shall have the following meanings:

- a. “Applicant” means any person who is the signatory to a fully executed contract and applies to purchase a cooperative apartment from a seller.
- b. “Application” means the set of documents utilized by a cooperative corporation to facilitate a prospective purchaser’s acquisition of certificates of

stock, a proprietary lease, or other evidence of an ownership interest in such cooperative corporation.

c. "Audit" means inspection by the commissioner upon his or her request.

d. "Board of directors" means the person, or persons, responsible for operating a cooperative corporation and, among other things, determining whether an applicant meets the relevant standards for purchasing a cooperative apartment.

e. "By-laws" means the internal rules and regulations established by a cooperative corporation to regulate its operation and management.

f. "Commission" means the New York City Commission on Human Rights.

g. "Cooperative apartment" means the specific housing accommodation afforded by the proprietary lease issued by a cooperative corporation with the purchase of specific certificates of stock, or other evidence of ownership of an interest in a cooperative corporation.

h. "Cooperative corporation" means any corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity but shall not include a cooperative corporation organized pursuant to the private housing finance law for which a purchase is subject to review and approval by a state or city agency.

i. "Managing agent" means the third party-organization retained by a cooperative corporation to, among other things, supervise the administrative functions of such cooperative corporation.

j. "Person" means a natural person, corporation, partnership, associate, trustee, limited liability company or any other legal entity.

k. "Purchase" means the acquisition of certificates of stock, proprietary lease, or other evidence of an ownership interest in a cooperative corporation.

l. "Seller" means any person with a proprietary interest in a cooperative corporation that intends to convey such interest, for value, to an applicant.

**§8-1122 Purchase applications.** a. 1 The board of directors or managing agent of each cooperative corporation shall produce a standardized application and list of requirements for all cooperative apartments subject to the by-laws or proprietary lease of such corporation. The board of directors or managing agent of any cooperative corporation shall provide the corporation's standardized application and list of requirements to any applicant upon request.

2. Each cooperative corporation's board of directors or managing agent shall promptly provide the commission with a copy of the corporation's standardized application and list of requirements. Every such cooperative corporation's board of directors or managing agent shall notify the commission of any change or modification to such standardized application within five business days of such change or modification, and shall promptly provide a copy of the changed or modified application to the commission. The penalties set forth in section 8-1125 of this chapter shall apply to any failure to timely comply with the requirements of this subdivision.

3. The application shall disclose all requirements for a complete application and shall contain a notice provision advising such applicant on obtaining information on fair housing and anti-discrimination laws, as prescribed by rule of the commission.

b. Subsequent to submission by an applicant, an application shall be deemed received by the cooperative corporation on the date the requisite number of copies of the complete application is delivered to the office of the cooperative's managing agent or to the board of directors, whether delivered by hand, facsimile, electronic transmittal or express mail. An application shall be deemed received by the cooperative corporation upon the actual day of receipt of the requisite number of copies of the complete application if sent by certified or registered mail, with a return receipt, or five days subsequent to the date of mailing, if such application is deposited with the United States postal service and delivered to the office of the cooperative corporation's managing agent or board of directors by regular mail.

**§8-1123 Action upon receipt of application.** a. Within ten business days of receipt of an application or additional relevant materials requested pursuant to subdivision c of this section, the cooperative corporation's board of directors or managing agent shall:

1. Provide the applicant with a written acknowledgment of receipt, if such application and any additional relevant materials requested pursuant to subdivision c of this section are complete to the satisfaction of such cooperative corporation's board of directors or managing agent; or

2. Provide the applicant with written notice explaining any deficiencies in the application or additional relevant materials requested pursuant to subdivision c of this section that prevent such application from being deemed complete, if such application is not complete to the satisfaction of such cooperative corporation's board of directors or managing agent.

b. An application shall be deemed complete upon:

1. Receipt by the applicant of a written acknowledgment, pursuant to paragraph one of subdivision a of this section; or

2. Failure by the cooperative corporation's board of directors or managing agent to provide a written notice pursuant to paragraph two of subdivision a of this section within ten business days from the date of receipt of such application.

c. Should a cooperative corporation's board of directors or managing agent reasonably request that an applicant provide such cooperative corporation with additional relevant material, pursuant to paragraph 2 of subdivision a of this section, such application shall be subject to the provisions of subdivisions a and b of this section upon submission of such additional material by such applicant. Any such additional material shall be deemed submitted and received by the cooperative corporation on the date the requisite number of copies of such materials is delivered to the office of the cooperative corporation's board of directors or managing agent, if delivered by hand, facsimile, electronic transmittal or express mail. Such additional materials shall be deemed submitted and received by the cooperative corporation upon the actual day of receipt if sent by certified or registered mail, with a return receipt, or five days subsequent to the date of mailing, if such materials are deposited with the United States postal service and delivered to the office of the cooperative corporation's managing agent or board of directors by regular mail.

d. 1. (a) Within forty-five calendar days of receipt of an application deemed complete pursuant to subdivision b of this section, the cooperative corporation's board of directors or managing agent shall provide the applicant with a written determination as to whether such applicant has been approved or disapproved or approved with conditions to purchase the cooperative apartment for which such application was submitted. (b) If the applicant is disapproved, the board of directors shall also provide the applicant with a written certification, in a form and manner to be determined by the commissioner, of non-discrimination. Such certification shall state that the decision to disapprove the applicant was reached without regard to race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, whether children are, may be, or would be residing with the person, or lawful source of income, and be signed by each member of the board of directors who participated in the decision to disapprove the applicant.

2. Should the cooperative corporation's board of directors or managing agent fail to provide the written documentation called for in paragraph 1 of subdivision d of this section within forty-five calendar days of receipt of an application deemed complete pursuant to subdivision b of this section, any funds paid to the cooperative corporation or its managing agent by the applicant in connection with the application shall immediately be refunded to the applicant.

3. Within ten business days of the end of the forty-five calendar day period described in subdivision d of this section, any applicant who submitted a complete application yet was not timely provided with the written documentation called for in paragraph 1 of subdivision d of this section may request such written documentation. Such request must be made in writing and shall be deemed submitted and received by the cooperative corporation upon the actual day of receipt if sent by certified or registered mail, with a return receipt, or five days subsequent to the date of mailing, if such request is deposited with the United States postal service and delivered to the office of the cooperative corporation's managing agent or board of directors by regular mail. Following such request, if such written documentation is not actually received by the applicant within ten calendar days, the applicant shall be deemed approved to purchase the cooperative apartment for which the application was submitted. Failure of an applicant to make such request within ten business days of the end of the forty-five calendar day period described in subdivision d of this section shall constitute a waiver of the right to make such request.

4. For any complete application received on or after July 1 but before September 10 of any calendar year, provided the cooperative corporation's board of directors has placed a memorandum or other writing its files stating that such board does not ordinarily meet in the months of July and August, such board of directors or managing agent shall have forty-five calendar days, or until September 10, whichever is longer, to provide the written documentation required by paragraph 1 of subdivision d of this section.

e. Each cooperative corporation shall maintain all books, records, reports and notices relating to each application received by such cooperative corporation for a period of not less than five years, including a copy of the certification required by subdivision d.1.(b). All such material shall be made available for inspection by the commissioner upon his or her request.

**§ 8-1124 Contrary agreements void for public policy.** Any agreement, negative covenant, restrictive covenant or other provision, whether written or oral and wherever contained that is inconsistent with any provision of this chapter shall be void and unenforceable.

**§ 8-1125 Civil remedies; penalty.** a. 1. Any applicant whose application is not acted upon within the time period specified in paragraph 1 of subdivision d of section 8-1123 of this chapter may institute a civil action against such cooperative corporation, its board of directors and managing agent for their failure to make a timely determination.

2. If, in an action instituted pursuant to this chapter, judgment is rendered in favor of the applicant, such applicant may be awarded an amount not to exceed three times the application fees and actual costs incurred by the applicant in preparing and submitting such application or five thousand dollars, whichever is greater. In such cases the prevailing applicant may also be awarded attorney's fees and costs.

3. In lieu of commencing a civil action, any applicant whose application is not acted upon within the time period specified in paragraph 1 of subdivision d of section 8-1123 of this chapter may commence a proceeding before the commission. Such proceeding must be commenced within sixty days of the time when compliance was required. A prevailing applicant in such a proceeding may be awarded an amount not to exceed three times the application fees and actual costs incurred by the applicant in preparing and submitting such application or five thousand dollars,

whichever is greater, and may also be awarded attorney's fees and costs. In connection with complaints filed pursuant to this section, the commission shall act in an adjudicatory capacity only and not in an investigatory or prosecutorial capacity; provided, however, that this provision shall not act as a bar to the power of the commission's prosecutorial bureau to investigate and prosecute potential instances of housing discrimination arising from information related to complaints commenced pursuant to this chapter. The commission shall promptly establish rules to govern its proceedings pursuant to this chapter, and such rules shall include a provision requiring that determinations be made within sixty days of the commencement of the proceeding.

b. 1. In addition to any other sanction that may be imposed pursuant to this chapter or any other applicable law, statute, rule or regulation the finder of fact shall impose a civil penalty on any cooperative corporation that fails to timely comply with any of the provisions of section 8-1123 of this chapter. Such civil penalty shall be in an amount not less than two hundred fifty dollars and not more than two thousand dollars for the first instance of non-compliance; not less than five hundred dollars and not more than five thousand dollars for the second instance of non-compliance; not less than two thousand dollars and not more than fifteen thousand dollars for the third or any subsequent instance of non-compliance, and shall be paid into the general fund of the city.

2. In the event such civil penalty is imposed by the commission, an action or proceeding may be commenced in any court of competent jurisdiction on behalf of the commission, in accordance with the procedure set forth in section 8-128 of this title, for the recovery of the civil penalties provided for in this section.

§ 8-1126 **Audits; Reporting.** a. The commissioner may conduct audits of the information required to be kept pursuant to section 8-1123(e) of this chapter in order to monitor compliance with this chapter.

b. On or before January first of the year following the first full calendar year in which this chapter is in effect, and annually on January first thereafter, the commission shall report to the Mayor and the Council on the implementation of this chapter. Such report shall include the number of complaints received pursuant to this chapter, the dispositions of such complaints, the number of audits and results of audits conducted by the commission pursuant to this chapter, and whether such audits were random, in response to complaints filed pursuant to this chapter, or pursuant to the results of investigative work done by the commission in the area of housing discrimination. Such report shall also include any recommendations by the commission for changes to the provisions of this chapter.

§ 3. This local law shall take effect one hundred and twenty days after it shall have been enacted into law; provided that the commissioner of the commission on human rights may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Housing and Buildings.

Int. No. 189

By Council Members Fidler, Comrie, Gentile, James, Koppell, Koslowitz, Nelson, Seabrook, Williams, Rodriguez, Mark-Viverito and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to comprehensive tracking of firefighting response times.**

Be it enacted by the Council as follows:

Section 1. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

§ 15-129 **Tracking of firefighting response times.** a. The department shall track the duration of time between a report to a 911 operator where firefighting response is deemed necessary and arrival at the suspected fire of the following:

- (1) First responding firefighting unit;
- (2) First responding engine company;
- (3) First responding ladder company; and
- (4) First complete contingent, consisting of a ladder company and an engine company.

For the purposes of this section only, "arrival" shall mean arrival at the door of the building where a fire is suspected; provided, however, that if a fire is suspected at a particular apartment or floor of a building, "arrival" shall mean arrival at the door of such apartment or arrival at such floor.

b. For any incident where the fire department applies water to a fire, the department shall track the duration of time between the report to the 911 operator and application of water to the fire.

c. The commissioner shall submit a quarterly report to the council, detailing the average response times and range in response times for each measure required above, for the city and for borough.

§2. This local law shall take effect 90 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 190

By Council Members Fidler, Chin, Comrie, Gentile, Koslowitz, Recchia, Seabrook, Williams, Rodriguez, Nelson and Halloran.

**A Local Law to amend the charter of the city of New York, in relation to public notice prior to the permanent removal of any emergency medical service station.**

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 487 of chapter 19 of the New York City Charter is amended to read as follows:

§487. Powers. a. The commissioner shall have sole and exclusive power and perform all duties for the government, discipline, management, maintenance and direction of the fire department and the premises and property in the custody thereof, however, the commissioner shall provide written notice with supporting documentation at least forty-five days prior to the permanent closing of any firehouse or the permanent removal or relocation of any fire fighting unit or emergency medical service station to the council members, community boards and borough presidents whose districts are served by such facility or unit and the chairperson of the council's [public safety] fire and criminal justice services committee. For purposes of this section, the term "permanent" shall mean a time period in excess of six months. In the event that the permanent closing of any firehouse or the permanent removal or relocation of any firefighting unit or emergency medical service station does not occur within four months of the date of the written notice, the commissioner shall issue another written notice with supporting documentation prior to such permanent removal or relocation. The four months during which the written notice is effective shall be tolled for any period in which a restraining order or injunction prohibiting the closing of such noticed facility or unit shall be in effect.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 191

By Council Members Fidler, Chin, Comrie, Ferreras, Gentile, Gonzalez, James, Koslowitz, Nelson, Sanders Jr., Seabrook, Vann, Williams, Rodriguez and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to notify schools of crimes against children within 1,000 feet of certain schools.**

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 10-168, to read as follows:

§ 10-168 **School notification program.** a. The New York City Police Department shall notify schools of reported crimes involving children that occur in close proximity to schools in accordance with the following:

(1). *Definitions.* For purposes of this subdivision the following terms shall have the following meanings:

(i). "School" shall mean any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education or any non-public school that provides educational instruction to students at or below the twelfth grade level.

(ii). "Crime" shall be any misdemeanor or felony in the New York State Penal Code or misdemeanor in the Administrative Code of the City of New York.

(2). When the Department receives a report of an alleged crime perpetrated against a child under the age of eighteen at or within one thousand feet of a school the Department must notify any school within 1,000 feet of the crime as soon as practical, unless the Department determines that to do so would jeopardize its investigation of such crime.

(3). The Department shall promulgate rules regarding the manner in which all notifications shall be given including designating who in the Department shall give the notification and who in the school will receive it.

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

Referred to the Committee on Public Safety.

Int. No. 192

By Council Members Fidler, Comrie, Lander and Vann.

**A Local Law to amend the administrative code of the city of New York, in relation to replacement cycles for taxicabs and repealing paragraph 3 of subdivision b of section 19-535.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision b of section 19-535 of the administrative code of the city of New York is REPEALED.

§2. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-537 to read as follows:

§19-537 *Taxicab retirement. a. Definitions. For the purposes of this section only, the following terms shall have the following meanings:*

1. "Hack-up" shall mean to outfit a vehicle as a taxicab and to obtain first-time approval from the commission for that vehicle to serve as a taxicab.

2. "Hybrid-electric taxicab" shall mean a commercially available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner, which is approved by the commission for use as a taxicab.

3. "Wheelchair accessible taxicab" shall mean a vehicle which is designed to be able to transport persons in wheelchairs or containing any physical device or alteration designed to permit access to and enable the transportation of persons in wheelchairs and is approved by the commission for use as a taxicab.

b. Any taxicab that is not a hybrid-electric taxicab, a taxicab dedicated to operate on compressed natural gas no later than six months after hack-up and which remains so dedicated for the rest of its operation, a level one clean air taxicab or level two clean air vehicle, as defined under section 19-535 of the code, or a wheelchair accessible taxicab, shall be retired from taxicab service and replaced no later than the scheduled inspection date of the vehicle occurring eighteen months after the vehicle was hacked-up.

c. The provisions of subdivision b of this section shall not apply to taxicabs that are hacked-up prior to the effective date of this section.

§3. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 198

**Resolution calling upon the Metropolitan Transportation Authority and the Port Authority of New York and New Jersey to offer reduced toll fares for alternative fuel vehicles.**

By Council Members Fidler, Brewer, Comrie, Gentile, James, Sanders Jr., Vann and Williams.

**Whereas**, According to the New York City Department of Transportation (DOT), our transportation system is over ninety percent dependent on oil with over fifty percent coming from overseas; and

**Whereas**, According to the DOT, fossil fuels such as oil contain certain gases that, when released into the air, negatively affect air quality, damage the environment, and are not compatible with the respiratory systems and processes of life on Earth; and

**Whereas**, The U.S. Department of Energy (DOE) explains that not only is oil a finite resource, but also that the supply of this resource may become unavailable within thirty-five to forty years; and

**Whereas**, The National Renewable Energy Laboratory Alternative reports that alternate fuel vehicles running on natural gas, ethanol, electricity, and hybrid combinations and their refueling stations are becoming more widely available to consumers and businesses alike; and

**Whereas**, The DOE, the General Services Administration and the Department of Agriculture are involved with efforts to promote the use and expansion of alternative fuels and the alternative fuel infrastructure; and

**Whereas**, Creating incentives for commuters traveling into New York City to use alternative fuel vehicles would further the DOE's goals and lead to a cleaner New York; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority and the Port Authority of New York and New Jersey to offer reduced toll fares for alternative fuel vehicles.

Referred to the Committee on Transportation.

Res. No. 199

**Resolution calling on the New York State Assembly to pass, and the New York State Senate to introduce and pass a companion bill to, A.01142, an act to amend the education law, in relation to establishing a tuition and fee remission program for veterans.**

By Council Members Fidler, Comrie, Gentile, Koslowitz, Rose, Vann, Williams, Rodriguez, Nelson and Halloran.

**Whereas**, Historically, providing tuition benefits to veterans has been a means of helping men and women returning from military service to lay the foundation for re-entering the workforce and civilian life; and

**Whereas**, This assistance is especially important because, during the transition from military to civilian life, veterans may face physical and mental disabilities, as well as economic hardships, all of which can combine to make this transition very difficult; and

**Whereas**, The United States Labor Department shows that the unemployment rate for veterans aged 20 to 24, including reservists who have been called to active duty, is consistently higher than comparable statistics for non-veterans; and

**Whereas**, The New York Times affirms that there has traditionally been a strong link between increased education benefits and new enlistments tuition benefits; and

**Whereas**, The Department of Defense has stated that there will be a need to increase the number of military personnel over the next several years, which corresponds to a need to increase recruitment goals; and

**Whereas**, This will equate to a greater number of veterans in the years to come; and

**Whereas**, According to the Veterans of Foreign Wars (VFW), at this time of economic downturn, it is more crucial than ever that assistance be provided to allow veterans to access institutions of higher learning, so that returning veterans, as well as veterans who served prior to the current conflicts, may gain the skills they need to compete for jobs; and

**Whereas**, Though there are some federal benefits, such as the G.I. Bill, that may be applied to tuition and other costs associated with attending colleges and universities, according to advocacy groups such as the Iraq and Afghanistan Veterans of America (IAVA), these benefits are often not accessed, in part because there are delays in processing benefits; and

**Whereas**, The Department of Veterans Affairs (VA) has reported that even though 95% of veterans take the initial step of paying a contribution from their first military paychecks in order to access G.I. Bill benefits later on, only 8% of veterans use their full G.I. benefit, and 30% of veterans do not use their GI Bill benefit at all; and

**Whereas**, A.01142, legislation which has been introduced in the New York State Assembly, would both increase the success of future recruiting efforts as well as help improve the access of veterans to higher education opportunities by creating a State-based remission program to cover the cost of tuition and fees for schools in the State University of New York (SUNY) and in the City University of New York (CUNY) systems; and

**Whereas**, The VA specifies that service members or veterans are typically eligible to receive up to 36 months of entitlement; and

**Whereas**, A.01142 would grant full remission of tuition charged for one 128 credits or 8 semesters, whichever is longer, to any SUNY or CUNY institution; and

**Whereas**, Such a tuition remission program would also help support New York's public institutions of higher learning; and

**Whereas**, Such legislation would most importantly send a positive message to New York's veterans that their home state is honoring them for their service to their country, and supporting them as they make the transition from military to civilian life; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass, and the New York State Senate to introduce and pass a companion bill to, A.01142, an act to amend the education law, in relation to establishing a tuition and fee remission program for veterans.

Referred to the Committee on Veterans.

Int. No. 193

By Council Members Foster, Chin, Comrie, Fidler, Recchia, Sanders Jr., Seabrook, Williams, Rodriguez and Nelson.

**A Local Law to amend the New York City charter to require notification to the Council of emergency procurements.**

*Be it enacted by the Council as follows:*

Section 1. Section 315 of the New York City charter is amended to read as follows:

§315. Emergency Procurement. Notwithstanding the provisions of section three hundred twelve of this chapter, in the case of unforeseen danger to life, safety, property or a necessary service, an emergency procurement may be made with the prior approval of the comptroller and corporation counsel *and notification to the Council*, provided that such procurement shall be made with such competition as is practicable under the circumstances, consistent with the provisions of section three hundred seventeen of this chapter. A written determination of the basis for the emergency and the selection of the contractor shall be placed in the agency contract file *and submitted to the Council*, and the determination or summary of such determination shall be included in the notice of the award of contract published pursuant to section three hundred twenty-five of this chapter.

§2. This local law shall take effect immediately.

Referred to the Committee on Contracts.

State Legislation Res. No. 2

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Duane, S.4278, and Assembly Members Rosenthal and Kellner, A.6158-A, “AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees”.**

By Council Members Foster, Comrie, Fidler, Jackson, Koppell and Koslowitz.

**Whereas**, bills have been introduced in the New York State Legislature by Senator Duane, S.4278, and Assembly Members Rosenthal and Kellner, A.6158-A, “AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to establishing a New York city animal population control program and an animal population control fund; and to amend chapter 115 of the laws of 1894 relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing fees”; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 194

By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders, Van Bramer, Mark-Viverito, Lappin, Levin, Nelson, Garodnick, Crowley, Mendez and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. The space heating sector is responsible for approximately 14% of the local emissions of particulate matter, more than vehicle traffic or power plants. Particulate matter and other pollutants from the combustion of heating oil contribute to asthma, heart disease, and other public health problems.

One immediate solution to address pollution from oil heat in the short term is to use blends of heating oil and biodiesel, known as bioheating fuel. The use of bioheating fuel would reduce emissions of air pollutants, reduce cleaning and maintenance costs, increase the viscosity and ease of handling of fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply. While recent studies have raised questions about the sustainability of biofuels, estimates of the waste grease market in New York City show that it could supply between 1 and 1.5% of the No. 2 heating oil market in the City. A blending requirement set at or slightly above that level will not raise sustainability or operational concerns, and yet will provide an important outlet for a locally-produced waste.

The Council further finds that Nos. 4 and 6 residual heating oils are more polluting than No. 2 distillate heating oil, and boilers burning those heavier residual oils require more maintenance because of the need to clean burners fouled by the high sulfur content of the oil and to heat the non-viscous oils before they can be pumped and burned. Accordingly, another method to address pollutants from the heating oil sector is to reduce the sulfur level of No. 4 oil.

§ 2. Subdivision 6-301 of the administrative code of the city of New York is amended by adding new paragraphs 36 through 40 to read as follows:

(36) “Biodiesel” shall mean a fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils, animal fats or cellulosic biomass such as herbaceous and woody plants, agricultural and forestry residues, designated B100, that meets the specifications of the American Society of Testing and Materials designation D 6751-07b.

(37) “Bioheating fuel” shall mean a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards

(38) “Emergency generator” means a generator that is used for the purpose of providing backup power in the event of a local or general interruption in electrical service.

(39) “Heating oil” shall mean oil refined for use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards.

(40) “Heating system” shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

§3. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

#### SUBCHAPTER 7

##### Clean Heating Oil

##### § 6-317 Use of biodiesel for heating purposes

§ 6-317 Use of biodiesel for heating purposes. a. No later than October 1, 2011, all no. 2, no. 4 and no. 6 heating oil purchased for use in any building owned by the city shall be bioheating fuel containing not less than two percent biodiesel by volume except that the provisions of this subdivision shall not apply to the use of emergency generators.

b. Upon request of any city agency, the director may issue a waiver from the biodiesel percentage requirements set forth in subdivision a of this section, by making a written finding, specific to the applicable fuel type and type of boiler at issue that (1) a sufficient quantity of bioheating fuel containing the applicable biodiesel percentage is not available to meet such requirements, (2) the price of such fuels is twenty percent or higher above the price of a comparable grade of one hundred percent petroleum heating fuel, (3) the use of such fuels would void any written requirement of a boiler or furnace manufacturer’s warranty, or (4) there are no applicable American Society of Testing and Materials standards or other equivalent standards to govern the specification of the fuel for purposes of receiving bids and enforcing contracts. Whenever such a waiver is in effect, city agencies, to the extent practicable, shall use the largest quantity of bioheating fuel that contains the greatest percentage of biodiesel that is available and most closely meets such requirements. Any waiver issued pursuant to items 1 or 2 of this subdivision shall expire after three months, unless renewed in writing. Any waiver issued pursuant to items 3 or 4 of this subdivision shall expire after six months unless renewed in writing.

c. No later than October 1, 2012 and no later than October 1 of every year thereafter, the director, in coordination with one or more agencies or offices to be designated by the mayor, shall submit a report to the mayor and the speaker of the council regarding the city’s use of bioheating fuel as required by subdivision a of this section during the immediately preceding calendar year. Such report shall include (1) the quantity of such fuel used by the city; (2) particulate matter and nitrogen oxide emissions reductions achieved through the use of such fuel; and (3) all waivers, findings, and renewals of such findings, issued pursuant to subdivision b of this section, which, for each waiver, shall include, but not be limited to, the quantity of the applicable bioheating fuel required by subdivision a of this section needed by the agency; specific information concerning the availability of such bioheating fuel; and detailed information concerning the agency’s efforts to obtain and use such fuel. This reporting requirement may be satisfied by including such information in the management reports and preliminary management reports submitted to the council by the mayor pursuant to section 12 of the charter.

§ 4. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-169.1 to read as follows:

§ 24-169.1 Clean heating oil. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. “Biodiesel” shall mean a fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils, animal fats or cellulosic biomass such as herbaceous and woody plants, agricultural and forestry residues, designated B100, that meets the specifications of the American Society of Testing and Materials designation D 6751-07b.

2. “Bioheating fuel” shall mean (i) a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards.

3. “Emergency generator” means generators that are used for the purpose of

providing backup power in the event of a local or general interruption in electrical service.

4. "Heating oil" shall mean oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards.

5. "Heating system" shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

b. After October 1, 2011, no person shall cause or permit the use of, or if intended for use in the city, the purchase, sale, offer for sale, or transportation of, fuel oil grades no. 2, no. 4 and no. 6 for use in buildings in city which contains less than two percent biodiesel except that the provisions of subdivision b of this section shall not apply to the use of emergency generators.

c. Upon request by any seller or purchaser of fuel oil grade no. 2 for use in buildings in city, the commissioner may issue a waiver from the biodiesel or biodiesel percentage requirements of paragraph one of subdivision b of this section, by making a written finding, that (1) a sufficient quantity of bioheating fuel or biodiesel containing the applicable biodiesel percentage is not available to meet such requirements, (2) the price of such fuels is twenty percent or higher above the price of a comparable grade of one hundred percent petroleum heating fuel, (3) the use of such fuels would void any written requirement of a boiler or furnace manufacturer's warranty, or (4) there are no applicable American Society of Testing and Materials standards or other equivalent standards to govern the specification of the fuel for purposes of receiving bids and enforcing contracts. Any waiver issued pursuant to items 1 or 2 of this subdivision shall expire after three months, unless renewed in writing. Any waiver issued pursuant to items 3 or 4 of this subdivision shall expire after six months unless renewed in writing.

e. The requirements set forth in subdivision b of this section shall not apply to the extent of any waiver in effect pursuant to the corresponding item in subdivision a of section 6-317 of this code.

§ 5. Section 24-167 of the administrative code of the city of New York is amended to read as follows:

§ 24-167. Improper use of equipment or apparatus prohibited. No person shall use or permit the use of equipment or apparatus for a purpose or in a manner which causes it to function improperly or not in accordance with its design, except that (i) the use of a fuel comprised of biodiesel, designated B100, meeting the specifications of the American Society of Testing and Materials designation D 6751-07b, blended with conventional heating oil, which meets the specifications of the American Society of Testing and Materials designation D 396 or other approved specifications, or (ii) the use of other biodiesel fuels, meeting specifications of the American Society of Testing and Materials, blended with conventional heating oil, which meets a specifications of the American Society of Testing and Materials, or other approved specifications, shall not trigger this prohibition.

§ 6. Subdivision (a) of 24-168 of the administrative code of the city of New York is amended to read as follows:

(a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment which is not designed to burn that kind or grade of fuel, except that (i) the use of a fuel comprised of biodiesel, designated B100, meeting the specifications of the American Society of Testing and Materials designation D 6751-07b, blended with conventional heating oil, which meets the specifications of the American Society of Testing and Materials designation D 396 or other approved specifications, or (ii) the use of other biodiesels, meeting specifications of the American Society of Testing and Materials, blended with conventional heating oil, which meets a specifications of the American Society of Testing and Materials, or other approved specifications, shall not trigger this prohibition.

§ 7. Section MC 202, of the mechanical code, as added by local law No. 33 for the year 2007, is amended by adding the following definitions to be placed in proper alphabetical order to read as follows:

"Biodiesel" shall mean a fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils, animal fats or cellulosic biomass such as herbaceous and woody plants, agricultural and forestry residues, designated B100, that meets the specifications of the American Society of Testing and Materials designation D 6751-07b.

"Bioheating fuel" shall mean a fuel comprised of biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards.

"Emergency generator" means a generator that is used for the purpose of providing backup power in the event of a local or general interruption in electrical service.

"Fuel oil" shall mean kerosene or any hydrocarbon oil having a flashpoint of not less than 100° F (38° C) or biodiesel. Except as provided in section 27-4056 of this title, the use of crankcase refuse oil as fuel oil is prohibited.

"Heating oil" shall mean oil refined for use as fuel for combustion in a heating system and that meets the specifications of the American Society of Testing and Materials designation D 396 or other equivalent and enforceable standards.

"Heating system" shall mean a system that generates heat, hot air, hot water or steam by combustion and distributes it within a building.

§ 8. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-170.1 to read as follows:

§24-170.1 Reporting obligation. (a) Every person who sells heating oil for use in buildings in New York city shall provide information to the commissioner, on an

annual basis, about the aggregate amount and type of heating oil delivered to customers in New York city during the previous year. The information provided shall include the quantities in gallons of each fuel type sold, such as fuel oil grades no. 2, no. 4, and no. 6, the percentage of biodiesel by volume blended into each of the aforementioned fuel types, and the average sulfur and ash content of each fuel type sold that year to customers in each of the city's five boroughs.

(b) Reporting persons may transmit information directly to the commissioner or, alternatively, indirectly to the commissioner through a trade association or similar entity that may aggregate the information from different reporting persons to prevent the disclosure of sales to individual customers or other confidential business information.

(c) The commissioner shall develop a form for annual reporting, provided that the commissioner shall not mandate the disclosure of sales to individual customers or other confidential business information. The form shall include, at a minimum, (1) a date on which the information is to be reported, (2) a list of the types of information required by this section, (3) the retailers represented and (4) a certification as to the completeness and accuracy of the information.

(d) Persons required to maintain and retain records pursuant to subdivisions a and b of this section must make such records available for inspection during normal business hours by the commissioner or his designee and must furnish copies of such records to the commissioner or his designee upon request.

(e) All reporting, sampling, and analysis of heating oil, and retention of records, by retailers must be done in accordance with methods acceptable to the commissioner.

§ 9. Subdivision b of section 20-674 of the administrative code of the city of New York is amended to read as follows:

b. Any person who violates the provisions of section 20-673.1 or section 20-673.2 of this subchapter or any rules or regulations promulgated there under shall be liable for a civil penalty of not less than five hundred dollars and no more than ten thousand dollars.

§ 10. Subdivisions b and d of section 24-169 of the administrative code of the city of New York is amended to read as follows:

b. Residual fuel oil and fuel oil grade no. 4 as classified by the American Society of Testing and Materials or solid fuel on a dry basis, which contains more than the following percentages of sulfur by weight:

(1) For a period ending October first, nineteen hundred seventy-one, one percent;

(2) After October first, nineteen hundred seventy-one, 0.30 percent.

(3) For fuel oil grade no. 4 only, after October 1, 2012, between 0.10 and 0.20 percent, as determined by the Commissioner to be commercially available and necessary to reduce air pollution.

(d) Those facilities burning solid fuel which are operated in compliance with this code may, at the discretion of the commissioner, continue to burn solid fuel containing up to [0.7] 0.3 percent sulfur after [October first, nineteen hundred seventy-one] October first, 2010 provided that there is no increase or expansion of use and further provided that a report, satisfactory to the commissioner, is submitted setting forth a detailed program, including a specific time schedule, for the termination of use of such solid fuel.

§ 11. If any section, subdivision, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§ 12. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Environmental Protection.

Res. No. 200

**Resolution designating the Newtown Pippin as the official apple of New York City.**

By Council Members Gennaro, Brewer, Lander, Nelson and Van Bramer.

**Whereas**, The Newtown Pippin is the only world-famous apple variety originating in the five boroughs, yet its association with the city is known to few New Yorkers; and

**Whereas**, The Newtown Pippin is a delicious fruit esteemed by gourmet chefs and food writers as the "Prince of Apples" and the "Founding Apple;" and

**Whereas**, The Newtown Pippin was the preferred apple of Thomas Jefferson and George Washington, and is still grown in their gardens at Monticello and Mount Vernon; and

**Whereas**, Newtown Pippins are grown on small farms throughout New York State and are sold through the Council on the Environment of New York City's Greenmarket program; and

**Whereas**, The right to grow and sell Newtown Pippins is open to all on an equal basis, without restriction or genetic patent; and

**Whereas**, The Newtown Pippin is a big, green apple, and therefore a fitting symbol of our city in the era of sustainable growth; and

**Whereas**, A return to a diet of whole, healthy foods is an urgent necessity; and

**Whereas**, Cities worldwide have enjoyed the benefits of growing food in community gardens and urban orchards, a movement which has been embraced by the White House under First Lady Michelle Obama; and

**Whereas**, In 2009, with the sponsorship of Green Apple Cleaners and Slow Food NYC, over 100 trees, including the Newtown Pippin saplings, were donated to New York City's premier public spaces and institutions, as well as to neighborhood schools and community gardens, with hundreds more to come in subsequent years; and

**Whereas**, GreenThumb, MillionTreesNYC, and the Green Belt Native Plant Center are partnering to help ensure the well-being of these trees; and

**Whereas**, The New York Botanical Garden, the Brooklyn Botanical Garden, the Queens Botanical Garden, the Staten Island Botanical Garden, the King Manor Museum, the Museum of the City of New York, the American Museum of Natural History, the CUNY Institute on Sustainable Cities, the Columbia Earth Institute and the American Cancer Society are planting these donated Newtown Pippin saplings to help this local cultivar enjoy a central place in our civic culture; and

**Whereas**, Apple blossoms and fruits could be as much of a signature image for New York City tourism as cherry blossoms are for Washington, D.C.; and

**Whereas**, The Newtown Pippin was developed by Gershon Moore, whose farm is now the site of a New York City Department of Parks and Recreation playground and whose direct descendent was Clement Clark Moore, author of the classic "A Visit from St. Nicholas;" and

**Whereas**, The Newtown Pippin could be a resource for educators to teach history, natural science, nutrition, folk lore, biodiversity, and sustainable development; and

**Whereas**, Flowering trees are essential contributors to our ecosystem and provide calming pleasure to New Yorkers; and

**Whereas**, The Newtown Pippin is a key cultivar in the Slow Food USA "Ark of Taste," program, which protects agricultural biodiversity threatened by agribusiness monocultures; and

**Whereas**, The Newtown Pippin's increased fame would aid community activists, government agencies, elected officials, and nonprofit groups in their work to reclaim the Newtown Creek from centuries of neglect and assault by polluters; and

**Whereas**, Newtown High School, the First Presbyterian Church of Newtown, Newtown Road and other features of the New York City landscape keep this historic name in circulation; now, therefore, be it

**Resolved**, That the Council of the City of New York designates the Newtown Pippin as the official apple of New York City.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 195

By Council Members Gonzalez, Palma, Comrie, Dromm and Nelson (by request of the Mayor).

**A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to merging the department of juvenile justice and the administration for children's services, and to repeal chapter 28 of such charter and subparagraph iii of paragraph 5 of subdivision a of section 12-307 of such code in relation thereto.**

*Be it enacted by the Council as follows:*

Section One. Legislative history and intent. The goals of the New York City juvenile justice system are to ensure public safety and to help youth within the system become healthy, productive and law abiding New Yorkers. New York City recognizes what studies have shown: institutionalizing youth involved in the juvenile justice system does little to advance those goals. Accordingly, since 2002, the City reduced the number of youth being sent to State-administered residential facilities by 56%. The City also developed alternative to placement and detention programs that focus on addressing the underlying causes of a youth's delinquency such as the Juvenile Justice Initiative and the Collaborative Family Initiative. Most recently, in January 2010, Mayor Bloomberg announced the integration of the Department of Juvenile Justice ("DJJ") with the Administration of Children Services ("ACS") in order to expand programming designed to reduce recidivism among youth involved in the juvenile justice system. ACS will assume all of DJJ's responsibilities, including the administration of juvenile detention facilities and ensuring the well-being of youth in its care.

With the integration of DJJ into ACS, the New York City Council intends to further reduce the City's reliance on institutional placement of justice involved youth by increasing the availability of alternative to detention and placement programs. Studies show that alternative to detention and placement programs are less costly

than institutionalization and that they are more effective at reducing recidivism, as youth learn how to relate to situations within their communities and with the people they interact with most. The Council further finds that the integration of DJJ into ACS will produce cost savings and operational efficiencies by combining two agencies that serve overlapping populations. With the integration of DJJ into ACS, the Council finds there is an opportunity to work with youth and their families to set youth on a path toward school, work and successful adulthood. The integration will serve to strengthen and enhance the services available to justice involved youth. These services will continue to address their special needs including, but not limited to, mental health issues or drug and alcohol dependency, so that they are able to get the help that they need and stay in their communities whenever possible. § 2. Section 616 of the New York city charter, as amended by the electors at the general election on November 6, 2001, is amended to read as follows:

§616. Deputies. The commissioner shall appoint at least [one] *three* deputy [commissioner] *commissioners*.

§3. Section 617 of the New York city charter, subdivision b as amended by local law 52 for the year 2003 and subdivision c as added by local law 25 for the year 2005, is amended to read as follows:

§ 617. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this [chapter] *section*. The commissioner shall have the power to perform functions related to the care and protection of children including, but not limited to:

1. performing the functions of a child protective service, including without limitation, the receipt and investigation of reports of child abuse and maltreatment;

2. providing children and families with preventative services for the purpose of averting the impairment or disruption of families which could result in the placement of children in foster care; enabling children placed in foster care to return to their families; and reducing the likelihood that a child who has been discharged from foster care may return to such care;

3. providing suitable and appropriate care for children who are in the care, custody, or guardianship of the commissioner;

4. providing appropriate daycare, Head Start and other child-care services; and

5. providing services to ensure that legally responsible parents provide child support.

b. Wherever the powers and duties of an agency other than the administration for children's services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner of children's services pursuant to section six hundred seventeen of this chapter, such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

c. No agency practice, including but not limited to any tracking system, record keeping or reporting system or data collection system or device, may prejudice the rights of, stigmatize or otherwise harm a person because of his or her gender or relationship to a child or children involved in a child protective matter. To the extent that requirements of this subdivision are subject to state approval, the agency will request permission to make any changes in policy necessary to comply with the provisions of this subdivision within ninety days of the effective date of the local law that added this subdivision. The agency shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this subdivision.

§ 4. Chapter 24-B of the New York city charter is amended by adding new sections 618 and 619 to read as follows:

§ 618. *The commissioner shall, in addition:*

a. *establish, initiate, control, maintain and operate secure and non-secure facilities for the temporary care and maintenance away from their own homes only of children alleged to be or adjudicated as juvenile delinquents and only of children alleged, adjudicated or convicted as juvenile offenders in detention as defined in subdivision one of section five hundred ten-a of the executive law;*

b. *contract with other public and private agencies for such services, in order to ensure that adequate, suitable, and conveniently accessible accommodations and proper care will be available when required for detention, within the appropriations available therefore;*

c. *establish such regulations for the operation of secure and non-secure detention facilities as may be necessary and not inconsistent with state or local law or with applicable rules and regulations of any state or city agency having jurisdiction. Notwithstanding any other provision of law, the commissioner shall provide or secure the availability of conveniently accessible and adequate non-secure detention facilities, certified by the state office of children and family services, as resources for the courts in the city of New York pursuant to provisions of the family court act, the criminal procedure law, and section five hundred ten-a of the executive law;*

d. *develop, implement and maintain systems to collect, store and disseminate data concerning juvenile delinquency, juvenile crime and the juvenile justice system;*

e. *participate with other city agencies in the development, implementation and maintenance of a juvenile justice information system, to include (i) an index of records of the family court and department of probation related to proceedings conducted pursuant to article three of the family court act, and (ii) other information, including but not limited to age, sex, race, date of birth, charges, dispositions, warrants, calendar information and case management data connected*

with such cases, such records to be made available to the family court, the probation department, and an agency with which the child is placed or committed upon request, and otherwise to be kept confidential except as provided by law;

f. plan, develop, conduct and supervise programs, including diversion and aftercare for previously detained juveniles, for the prevention of juvenile delinquency and juvenile crime and for youths arrested, charged, adjudicated or convicted of having committed delinquent or criminal acts, and conduct research and demonstration projects related thereto.

§619. Advisory board. a. There shall be in the department a juvenile justice advisory board consisting of eleven members.

b. It shall be the duty of the board to advise the commissioner and make recommendations. The board shall submit an annual report of its activities to the mayor.

c. The members of the board shall be appointed by the mayor and shall serve at the pleasure of the mayor. Five of the members, one resident from each of the five boroughs of New York city, shall be recommended for appointment by a majority vote of the council members of the respective borough.

d. The mayor shall designate one of the members of the board to be chair and one to be vice chair, neither of whom shall be employees of the city of New York.

e. The members of the board shall serve without compensation.

§5 Chapter 28 of the New York city charter is REPEALED.

§6 Subparagraph (iii) of paragraph 5 of subdivision a of section 12-307 of the administrative code of the city of New York is REPEALED.

§7 Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency of officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§8 Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§9 If any of the functions, power or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§10. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§11. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§12. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§13. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§14. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§15. This local law shall take effect July 1, 2010, or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to this local law and subdivision 2 of section 70 of the civil service law; provided, however, that any or all actions necessary to effectuate such transfer may be taken prior to such effective date, and such actions may include an agreement between the department of juvenile justice and the administration for children's services as to any matters relating to the administration of contracts entered into by the department of juvenile justice prior to such effective date.

Referred to the Committee on Juvenile Justice.

Res. No. 201

**Resolution calling upon the New York State Legislature and Governor Paterson to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest monies into alternative-to-placement programs.**

By Council Members Gonzalez, Lander, Chin, Comrie, Fidler, James, Levin, Rose, Sanders, Vann and Williams.

**Whereas**, The Office of Children and Family Services ("OCFS") is the state agency responsible for residential and community treatment of New York's court-placed youth; and

**Whereas**, Seventy-six percent of youths in New York state correctional facilities are from the New York City area; and

**Whereas**, The OCFS facilities can cost between \$140,000 and \$200,000 per youth per year; and

**Whereas**, The number of New York City youths sent to OCFS operated facilities declined sharply from approximately 1,100 youth in 2005 to approximately 650 youth in 2009; and

**Whereas**, New York City was billed forty-seven million dollars in 2005 and fifty-nine million dollars in 2009 despite a decline in the number of its youth placed in these facilities; and

**Whereas**, New York City continues to reduce the number of young people it sends to OCFS operated facilities, yet the city has failed to realize the cost savings that should have resulted from this decrease; and

**Whereas**, As long as the city's costs for state placement of youth continue to rise, the city will be unable to utilize more of its resources for alternative-to-placement programs; and

**Whereas**, OCFS houses some of our neediest children, many of whom suffer from serious mental health problems, drug or alcohol problems, or developmental disabilities; and

**Whereas**, Studies show that placing youth in alternative-to-placement programs provides youth with better access to treatment and rehabilitative services than OCFS placement; and

**Whereas**, Youth placed in alternative programs have a lower rate of recidivism than those youth who are placed in state placement; and

**Whereas**, Nearly all OCFS correctional facilities are located in upstate New York, causing incarcerated youth to be moved far from their families and be cut off from the support systems in their communities they desperately need; and

**Whereas**, Alternative-to-placement programs are more beneficial to the rehabilitation process, are less costly and allow youth to remain in their communities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature and Governor Paterson to develop a more equitable method of billing New York City for placement of its youth in state run facilities in order to allow the city to reinvest monies into alternative-to-placement programs.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Juvenile Justice).

Res. No. 202

**Resolution calling upon the New York State Legislature to pass A.01291, which would amend the New York City Charter in relation to notification when the New York City Department of Education is considering the opening, closing and/or consolidation of a school.**

By Council Members Jackson, Brewer, Chin, Comrie, Dromm, Fidler, Gentile, James, Koslowitz, Lander, Nelson, Recchia, Rose, Van Bramer, Vann, Williams, Levin, Rodriguez and Mark-Viverito.

**Whereas**, The New York State Legislature is considering A.01291, legislation that would amend the New York City Charter in relation to the New York City Department of Education's (DOE) method of providing notification of school openings, closings and consolidations; and

**Whereas**, A.01291 would require that the DOE notify the appropriate elected state and local officials, community board members, and parents or guardians when it is considering the opening, closing and/or consolidation of a school; and

**Whereas**, The bill would require that a copy of such notification be displayed in a prominent location within any school or schools that may be affected; and

**Whereas**, The DOE would also be required to ensure that such notifications occur at least twelve months prior to any projected school opening, closing and/or consolidation, and provide a mechanism for meaningful input by the elected state and local public officials representing the affected communities; and

**Whereas**, In the event the DOE has projected the closing and/or consolidation of a school due to the underutilization of facilities, the bill would require the DOE to

ensure that such closing and/or consolidation results in students being sent from the low achieving school to a higher achieving school; and

**Whereas**, The lack of an adequate notification process has resulted in numerous community protests regarding school closings and consolidations, which further strain the relationship between the community and education officials; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass A.01291, which would amend the New York City Charter in relation to notification when the New York City Department of Education is considering the opening, closing and/or consolidation of a school.

Referred to the Committee on Education.

Int. No. 196

By Council Members James, Brewer, Chin, Comrie, Dromm, Ferreras, Fidler, Gentile, Gonzalez, Koppell, Lander, Rose, Sanders, Vann, Williams, Rodriguez, Mark-Viverito and Nelson.

**A Local Law to amend the administrative code of the city of New York in relation to requiring the department of correction to develop a discharge plan for adolescents leaving city jails.**

*Be it enacted by the Council as follows:*

Section 1. Section 9-127 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The department of correction shall develop a discharge plan for all adolescent sentenced inmates who will serve, after sentencing, ten days or more in any city correctional institution. For purposes of this subdivision, "adolescent" shall mean persons 16, 17 and 18 years of age.*

§2. Subdivision b of section 9-128 of the administrative code of the city of New York is amended to read as follows:

b. The department of correction shall provide assistance with the preparation of applications for government benefits and identification to: (1) sentenced inmates who will serve, after sentencing, thirty days or more in any city correctional institution and who receive discharge planning services from the department of correction or any social services organization under contract with the department of correction[.]; (2) all adolescent sentenced inmates who will serve, after sentencing, ten days or more in any city correctional institution; and (3) in its discretion, [to] any other inmate who may benefit from such assistance. *For purposes of this subdivision, "adolescent" shall mean persons 16, 17 and 18 years of age.*

§3. This local law shall take effect sixty days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 197

By Council Members James, Chin, Comrie, Dromm, Gonzalez, Lander, Rose, Sanders, Vann, Williams, Rodriguez and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the department of correction to report on race and ethnicity, zip code of residence, precinct of arrest and charged offense of adolescents admitted to city jails.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 9-130 of Chapter 1 of title 9 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner of correction shall post a report on the department website within fifteen days of the beginning of each fiscal year quarter containing information pertaining to adolescents in city jails for the prior quarter, unless a different time period is specified for a particular indicator. Such quarterly report shall indicate the average daily adolescent population for the reporting period and the prior fiscal year total for each indicator. The report shall include information regarding census data and security indicators for city jails, as follows:

1. Census data. The report shall include, on an annual basis, separate indicators for: (i) the total number of adolescent admissions to city jails disaggregated by age, [and] gender, *race and ethnicity, zip code of residence, charged offense and precinct where arrest occurred*; and (ii) the percentage of those admitted who were

previously admitted to a facility operated by the department; and (iii) the percentage of those admitted who within the last year were admitted to a facility under the jurisdiction of the department of juvenile justice. Such annual report shall indicate the percentage change for each census data indicator from the prior year.

§2. This local law shall take effect sixty days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 203

**Resolution calling upon the New York State Legislature to adopt Senate Bill No. S. 4387A and Assembly Bill A. 5287, proposed legislation that would establish educational standards regarding the management of pain, and require all health care practitioners to complete course work or training regarding pain management.**

By Council Members Koppell, Brewer, Dromm, Rodriguez, Mendez, Nelson and Koo.

**Whereas**, According to the Centers for Disease Control and Prevention's (CDC) 30<sup>th</sup> annual report on the health status of the nation, *Health, United States*, while the overall health of the nation seems to be improving or holding steady in many areas, results from the National Health Interview survey highlight the need for appropriate management of one particular condition - pain; and

**Whereas**, Pain was such a prevalent complaint among those interviewed for the CDC report, researchers devoted a special section of the report solely to this condition, entitled "Special Feature: Pain;" and

**Whereas**, According to the CDC, the impact of pain, particularly chronic pain, is far-reaching and can affect one's day-to-day activities and the quality of life itself; and

**Whereas**, Pain is such a prominent health care issue that the 106th U.S. Congress passed Title VI, Section 1603, of H.R. 3244, declaring the period between January 1, 2001 and December 31, 2010, the "Decade of Pain Control and Research;" and

**Whereas**, The CDC further notes that as Americans are living longer, frustration with conventional approaches to pain management is evident; and

**Whereas**, The CDC report speculates that pain among older adults often goes unreported, as many simply give up, "and express skepticism about the beneficial effects of potential treatments;" and

**Whereas**, According to the Pain and Policy Studies Group report, New York State rated the 6th worst state in pain care nationally and the Harvard Public Research Group rated New York City hospitals in 2008 the worst in pain care; and

**Whereas**, Due to the large numbers of severely injured and wounded heroic American service members returning from duty in Iraq and Afghanistan, the United States Department of Defense (DoD) and the Veterans Administration (VA) have recognized the need for improved pain management for our veterans; and

**Whereas**, President Barack Obama signed into law on October 29, 2009, new and important military pain care provisions requiring the DoD to develop and implement a comprehensive pain control policy throughout its health care system; and

**Whereas**, According to the American Academy of Pain management, the requirements imposed on the DoD are identical to those imposed on the Department of Veterans Affairs by the Veterans Pain Care Policy Act, which was enacted into law last fall, and which created a consistent, comprehensive pain care plan that should extend throughout both the VA and the DoD; and

**Whereas**, A national panel of adult and pediatric pain care experts in a November 2009 report, entitled "A Call to Revolutionize Pain Care in America," recommended that physicians and health care providers be required to obtain education in pain management; and

**Whereas**, S. 4387A and S. 5287, legislation currently introduced in the New York State Legislature, would require that all health care practitioners complete course work or training regarding pain management; and

**Whereas**, The proposed legislation would create an advisory committee comprised of 12 members appointed by the Commissioner of Health and the Commissioner of Education to help the Department of Health develop, review and implement the appropriate educational standards with respect to the management of pain; and

**Whereas**, According to the bills' sponsors, many patients suffer needlessly from debilitating pain, caused by inadequate pain treatment and many healthcare practitioners are unaware of the resources available to their patients to relieve chronic and acute pain; and

**Whereas**, The sponsors further suggest that some healthcare providers are unwilling to use pain-relieving and alleviating resources because they fear that they will be wrongly subjected to prosecution or professional discipline; and

**Whereas**, Under the proposed legislation, every health care practitioner in New York State who is licensed or certified and who is authorized to order, prescribe, administer or dispense pain-relieving medications or other treatment for the relief of pain, other than physicians, physician assistants, and specialized assistants, shall be

required every four years to complete course work or training regarding pain management; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to adopt Senate Bill No. S. 4387A and Assembly Bill A. 5287, proposed legislation that would establish educational standards regarding the management of pain, and require all health care practitioners to complete course work or training regarding pain management.

Referred to the Committee on Health.

Int. No. 198

By Council Members Lappin, Brewer, Dromm, Gentile, Williams, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to providing a credit against the commercial rent or occupancy tax imposed by chapter 7 of title 11 of such code, to tenants who provide employer-provided child care.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-704.4 to read as follows:

§ 11-704.4 *Employer-provided Child Care credit* (1) *A tenant who uses taxable premises for employer-provided child care shall be allowed a credit against the tax imposed by this chapter for such tax year. Such credit shall be equal to twenty-five percent of the qualified employer-provided child care expenditures paid or incurred, on or after January 1, 2010, in establishing and operating a qualified child care facility; provided, however, that the tenant shall not receive more than \$150,000 in annual tax credits for all qualified employer-provided child care expenditures that the taxpayer incurs in any one year.*

(2) *As used in this section, the following terms shall have the following meaning:*

(a) *"qualified employer-provided child care expenditures" means any amount paid or incurred (i) to acquire, construct, rehabilitate, or expand real property which is to be used as part of a qualified child care facility of the taxable premises, with respect to which a deduction for depreciation (or amortization in lieu of depreciation) is allowable, and which does not constitute part of the principal residence, within the meaning of section 121 of the Internal Revenue Code, of the tenant or employee of the tenant; (ii) for the operating costs of a qualified child care facility of the tenant, including costs related to the training of employees, to scholarship programs, and to the providing of increased compensation to employees with higher levels of child care training; or (iii) under a contract with a qualified child care facility to provide child care services to employees of the tenant; provided, however, the term "qualified employer-provided child care expenditures" shall not include expenses in excess of fair market value of such care.*

(b) *The term "qualified child care facility" means a facility, the principal use of which is to provide child care assistance, that is licensed or registered in accordance with section three hundred ninety of the social services law or article forty seven of the rules of the city of New York, and that is not the principal residence, within the meaning of section 121 of the Internal Revenue Code, of the tenant or employee of the tenant; provided, however, a facility shall not be treated as a "qualified child care facility" with respect to the tenant unless the use of such facility (or the eligibility to use such facility) does not discriminate in favor of employees of the tenant who are highly compensated employees, within the meaning of section 414(q) of the Internal Revenue Code.*

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 204

**Resolution calling upon the City of New York to divest its assets from financial institutions that evade New York State's usury law.**

By Council Members Lappin, Brewer, Chin, Lander, Williams, Rodriguez and Halloran.

**Whereas**, The root of our nation's current financial crisis resides in the credit market, an industry with minimal federal oversight and regulation; and

**Whereas**, To combat excessive interest rates, each of the 50 states has the authority to regulate usury within its borders and to cap the amount of interest charged by a lender at a certain rate; and

**Whereas**, The maximum allowable interest rate in New York State is capped at 16%; and

**Whereas**, Enormous discrepancies in allowable interest rates exist from state to state, such as the stark difference between New York and New Jersey: lenders based in New Jersey are legally allowed to charge borrowers nearly twice as much in interest as lenders based in New York; and

**Whereas**, These inconsistencies on a national scale incentivize organizations such as banks and credit card companies to evade New York State's usury laws by relocating to states whose laws allow lenders to charge interest rates higher than what New York law permits; and

**Whereas**, As a result of the 1978 U.S. Supreme Court ruling in *Marquette v. First Omaha Service Corp.*, lenders that affix the word "national" to their name are allowed to export their home state's high interest rate to borrowers in New York and other states; and

**Whereas**, A lack of federal regulation has created a hostile environment for subprime or low-income borrowers, who can easily fall victim to deceptive and predatory lending agreements that increase the chance of defaulting on a mortgage and ultimately losing a home or property through foreclosure and repossession; and

**Whereas**, Predatory lending tactics not only harm individual New Yorkers, but also harm the entire city, for an increase in the foreclosure rate triggers a decline in property value for entire neighborhoods; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the City of New York to divest its assets from financial institutions that evade New York State's usury law.

Referred to the Committee on Consumer Affairs

Res. No. 205

**Resolution calling upon the federal government to institute a national usury law.**

By Council Members Lappin, Brewer, Koppell, Lander, Sanders Jr., Williams and Nelson.

**Whereas**, The root of our nation's current financial crisis resides in the credit market, an industry with insufficient federal oversight and regulation; and

**Whereas**, Each of the 50 states has the authority to regulate usury within its borders, with the discretion to cap the amount of interest charged by a lender at a certain rate; and

**Whereas**, Enormous discrepancies in allowable interest rates exist from state to state, such as the difference between New York and New Jersey: lenders based in New Jersey are legally allowed to charge borrowers nearly twice as much in interest as lenders based in New York; and

**Whereas**, These inconsistencies on a national scale incentivize organizations such as banks and credit card companies to relocate to states whose laws favor creditors over debtors; and

**Whereas**, A national usury law is needed because state law no longer adequately protects consumers; and

**Whereas**, As a result of the 1978 U.S. Supreme Court ruling in *Marquette v. First Omaha Service Corp.*, lenders that affix the word "national" to their name are allowed to export their home state's high interest rate to borrowers in different states; and

**Whereas**, A lack of federal regulation has created a hostile environment for subprime, or low-income borrowers, who can easily fall victim to deceptive and predatory lending agreements that increase the chance of defaulting on a mortgage and ultimately losing a home or property through foreclosure and repossession; and

**Whereas**, According to United States Senator Bernie Sanders, one-third of all credit card holders in America are now paying interest rates above 20 percent and as high as 41 percent; and

**Whereas**, On April 2, 2009, Senator Sanders introduced legislation to establish a national usury law, which would require any lender in this country to cap all interest rates on consumer loans at 15 percent, including credit cards; and

**Whereas**, That same day the Senate voted 31 to 61 against the legislation; and

**Whereas**, Although a free-flowing credit market is crucial to the growth and prosperity of the nation, the United States Government must institute a national usury law that regulates lenders across the country, and protects borrowers from lenders who take advantage of state-to-state discrepancies to charge excessive interest rates and engage in predatory lending practices; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the federal government to institute a national usury law.

Referred to the Committee on Governmental Operations.

Int. No. 199

By Council Members Nelson, Fidler, James, Koppell, Sanders Jr. and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-133 of the administrative code of the city of New York is amended by adding a new subdivision (f) to read as follows:

*f. All notices of violation issued by agents of the department to any person charged with a violation of any of the provisions of this title or any rules promulgated pursuant thereto shall contain a photograph evidencing the alleged violation, where feasible. A copy of each notice of violation served shall be filed and retained by the department, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.*

§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 200

By Council Members Oddo, Ignizio, Koo, Comrie, Dromm, Fidler, Gentile, Jackson, James, Koppell, Nelson, Rose, Sanders Jr., Vacca, Vann, Williams, Mark-Viverito, Rodriguez, Crowley, Halloran and Ulrich.

**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 make automated external defibrillators available to primary, intermediate and high schools that do not already receive such devices under any other provision of law.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title seventeen of the administrative code of the city of New York is amended by adding a new section 17-188.1 to read as follows:

§17-188.1 *Automated external defibrillators in schools. a. Definition. For purposes of this section, the term “automated external defibrillator” shall mean a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient’s heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient’s heart to perform defibrillation.*

*b. Automated external defibrillator to be provided to schools upon request. The department shall provide automated external defibrillators in quantities deemed adequate in accordance with rules promulgated pursuant to subdivision c of this section and in accordance with section 3000-b of the New York state public health law to each primary, intermediate and high school located within the city of New York that is not eligible to receive automated external defibrillators under section 917 of the New York state education law or any other provision of law that submits a written request to the department. Any school receiving automated external defibrillators pursuant to this subdivision shall ensure that such devices are readily accessible for use during medical emergencies. Any information regarding use of automated external defibrillators deemed necessary by the department in accordance with rules promulgated pursuant to subdivision c of this section shall accompany and be kept with each automated external defibrillator. Any automated external defibrillator provided pursuant to this subdivision shall be acquired, possessed and operated in accordance with the requirements of section 3000-b of the New York state public health law.*

*c. Rules. The commissioner shall promulgate such rules as may be necessary for the purposes of implementing the provisions of this section, including, but not limited to, rules regarding the quantity of automated external defibrillators to be provided to schools that request such devices, and any information on the use of automated external defibrillators that must accompany and be kept with each automated external defibrillator.*

*d. No duty to act. Nothing contained in this section shall impose any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.*

*e. Liability limited. Any person who, in accordance with the provisions of this section, voluntarily and without expectation of monetary compensation renders first aid or emergency treatment using an automated external defibrillator that has been made available pursuant to this section, to a person who is unconscious, ill or injured, and any person, agency, school or other entity that acquires or makes available an automated external defibrillator pursuant to this section, shall be*

*entitled to the limitation of liability provided in section 3000-a of the New York state public health law.*

*f. Standard of care. Nothing contained in this section shall be deemed to affect the obligations or liability of emergency health providers pursuant to section 3000-b of the New York state public health law.*

§2. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect one hundred and eighty days after its enactment into law. Actions necessary to prepare for the implementation of this local law may be taken prior to its effective date.

Referred to the Committee on Education.

Res. No. 206

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Members Recchia and Comrie.

**Whereas**, On June 19, 2009 the Council of the City of New York (the “City 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 Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Central Harlem Interagency Program, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Soundview Community In Action, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Staten Island Economic Development Corporation, within the budget of the Department of Small Business Services; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving youth discretionary funding, the Thelma Hill Performing Arts Center, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Education Through Music, Inc., within the budget of the Department of Cultural Affairs; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Museum of the City of New York, within the budget of the Department of Cultural Affairs; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Friends of Cunningham Park, Inc., within the budget of the Department of Parks & Recreation; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Hispanic Federation, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the New York Agency for Community Affairs (NYACA), Inc., within the budget of the Department of Housing Preservation & Development; 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 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, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding; and

**Whereas**, On June 15, 2007, the City Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the "Fiscal 2008 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2008 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new Description/Scope of Services for the Central Harlem Interagency Program, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "To help cover cost to develop curriculum for bi-monthly parenting program workshops."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Soundview Community In Action, Inc receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "These funds will support the continued operation of the organization's technology center, which provides free internet access, computer training and internet education to community youths and adults. This funding is also provided for equipment for the technology center, including, but not limited to, copy machines, projectors, televisions and gaming systems."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Staten Island Economic Development Corporation organization receiving local discretionary funding within the budget of the Department of Small Business Services to read: "The Staten Island Economic Development Corporation will use the funds to expand training materials, informational outreach brochures, in order to increase capacity to serve additional families along with early childhood programs on Staten Island who can benefit from the free assistance this office provides."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Thelma Hill Performing Arts Center, Inc. receiving youth discretionary funding within the budget of the Department of Youth and Community Development to read: "For the ticket subsidy program. This subsidy program will allow the distribution of sixty complimentary tickets per season to the surrounding community for Thelma Hill Performing Arts Center's June Dance Festival."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Education Through Music, Inc. receiving local discretionary funding within the budget of the Department of Cultural Affairs to read: "To fund program development at Public School 48X (1290 Spofford Avenue, Bronx, NY 10474) and Middle School 424X (730 Bryant Avenue, Bronx, NY 10474)."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Museum of the City of New York receiving local discretionary funding within the budget of the Department of Cultural Affairs to read: "To begin the digitization of a large collection of historical photographs of the City."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Friends of Cunningham Park, Inc. receiving local discretionary funding within the budget of the Department of Parks & Recreation to read: "For projection equipment, film rentals and insurance."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Hispanic Federation, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "The funds will be used to support the programs of the Hispanic Federation."; and be it further

**Resolved**, The City Council approves the new Description/Scope of Services for the New York Agency for Community Affairs (NYACA), Inc., within the budget of the Department of Housing Preservation & Development to read: "To conduct outreach, education and organizing for tenants in expiring Section 8 housing projects and in buildings undergoing predatory equity buyouts, and to participants in the Housing Stability Plus."

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; 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 as set forth in Chart 3, attached hereto as Exhibit C; 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 Immigrant Opportunities Initiative, as set forth in Chart 4, attached hereto as Exhibit D; 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 Food

Pantries Initiative, as set forth in Chart 5, attached hereto as Exhibit E; 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 MWBE Leadership Association Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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 HIV/AIDS Faith Based Initiative, as set forth in Chart 7, attached hereto as Exhibit G; 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 Infant Mortality Reduction Initiative, as set forth in Chart 8, attached hereto as Exhibit H; 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 Cancer Initiative, as set forth in Chart 9, attached hereto as Exhibit I; 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 2009 Expense Budget, as set forth in Chart 10, attached hereto as Exhibit J; 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 2009 Expense Budget, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving discretionary funding in accordance with the Fiscal 2008 Expense Budget, as set forth in Chart 12, attached hereto as Exhibit L.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the Attachment to Res No. 206 following the Report of the Committee on Finance for Res No. 206 printed in these Minutes).

Int. No. 201

By Council Members Reyna, Comrie, Dromm, Koslowitz, Rose, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to rates for the towing of motor vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of paragraph 1 of section 19-169.1, section 20-509.1, subdivisions 4 and 5 of paragraph b of section 20-518 and subdivision 1 of paragraph c of section 20-519 of the administrative code of the city of New York are hereby REPEALED.

§2. Section 20-509 of such code is amended to read as follows:

Rates. a. [Except as otherwise provided, charges ] *Charges* for the towing of vehicles *that are removed from private property pursuant to section 19-169.1 of the code, the towing of passenger vehicles from arterial roadways by arterial tow permittees authorized by the commissioner of transportation or the police commissioner, the towing of accident vehicles pursuant to section 20-518 of the code or the towing of stolen or abandoned vehicles or vehicles with certain alarm devices subject to removal pursuant to section 20-519 of the code from the place where such vehicle is parked or disabled to a storage facility or auxiliary storage facility that is authorized by the commissioner shall not exceed [fifty] one hundred eighty-five dollars [for the first mile of fraction thereof and four dollars for each additional mile or fraction thereof;] provided, however, that where a motor vehicle has been booted by a person licensed pursuant to subchapter 32 of this chapter in a private lot as defined in paragraph 3 of subdivision b of section 20-531 of such subchapter and such vehicle is subsequently towed, no addition charge may be imposed for the towing of such vehicle.*

*b. If a person in charge of a vehicle, other than a police officer, requests that a vehicle be towed to a location other than an authorized storage or auxiliary storage facility, an additional charge of four dollars per mile may be charged from a place where the vehicle is parked or disabled to the location where the vehicle is towed, provided, however, that such distance shall be measured on a route available for commercial vehicles from the place where such vehicle is parked or disabled to the location to which such vehicle is towed.*

*c. A towing company that transfers a vehicle that is towed pursuant to section 20-519 of the code into the custody of the police department property clerk shall be entitled to charge the police department an amount not to exceed sixty dollars plus tolls for the towing of such vehicle from the towing company's approved storage facility or auxiliary storage facility to the facility designated by the property clerk. A towing company shall also be entitled to charge the police department an amount not to exceed sixty dollars plus tolls for the towing of an evidence vehicle to a location designated by a police officer.*

*d. [Except as otherwise provided, charges] Charges for storage of a vehicle that is towed pursuant to this section shall not exceed [fifteen] twenty-five dollars for each twenty-four hours or fraction thereof for the first three days of storage, and [seventeen] thirty-five dollars for the fourth day of storage and each day thereafter,*

except that a towing company that tows a vehicle pursuant to section 20-519 of the code shall not charge the police department in excess of five dollars per day for the first three days of storage and eight dollars for the fourth day and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage.

e. The commissioner may, by rule, authorize such additional charges for services necessary to prepare a vehicle for towing, including but not limited to charges for additional *equipment or labor* necessary for positioning a vehicle for towing, which in the judgment of the commissioner shall be fair and reasonable. In promulgating a rule pursuant to this subdivision, the commissioner shall consult with the tow advisory board.

[d.] (1) No tow truck operator shall require the payment of any fee or charge for towing and storage of a vehicle, or any fee or charge directly or indirectly to towing and storage of a vehicle, [that is not specifically authorized by law or rule] *the rates of which are regulated pursuant to this section and any rules promulgated thereunder.*

(2) No charge for the towing and storage of vehicles may be imposed by any person who does not have a license to engage in towing as required by this subchapter at the time that the towing and storage services are performed.

§3. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Res. No. 207

**Resolution calling upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.**

By Council Members Reyna, Mark-Viverito, Chin, Dromm, Fidler, James, Recchia, Rose, Sanders, Williams, Jackson, Rodriguez, Van Bramer, Vann, Arroyo, White, Lander, Mendez, Foster, Nelson, Palma, Crowley and Eugene.

**Whereas**, The City of New York is currently in the midst of an economic recession; and

**Whereas**, There are many individuals who reside in public housing or federally-assisted rental housing who may be unemployed or underemployed; and

**Whereas**, In these trying economic times it is important the government make every tool available to help the poorest of New Yorkers, particularly those who are residents of public housing or federally-assisted housing developments, move up the economic ladder through job training or employment opportunities; and

**Whereas**, H.R. 4224, the “Together We Care Act of 2009,” would create training and employment opportunities for residents of public housing or federally-assisted housing developments by creating a three year pilot home-based health services job training program; and

**Whereas**, The pilot program would be created under the supervision of the United States Department of Housing and Urban Development (HUD); and

**Whereas**, Many residents of public housing and federally-assisted housing developments are elderly or are persons with a disability and in need of home-based health services; and

**Whereas**, There is a severe lack of available providers of home-based health services, and residents of public housing are among the hardest hit as a result of this shortcoming; and

**Whereas**, The competitive grant program that will be run by HUD under this pilot program will also generate opportunities for a broad array of entities, such as public housing agencies, community health centers, and home care provider organizations, as well as faith-based and labor organizations, all of which may apply to receive these funds in order to train this new workforce; and

**Whereas**, An additional benefit focusing on public housing residents and residents of federally-assisted housing developments under the “Together We Care Act” to receive training is that by having such a pilot program residents of public housing who are elderly or persons with a disability could remain in their homes and not have to move to a health care facility and perhaps be cared for by someone they already know; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to enact H.R. 4224, the “Together We Care Act of 2009,” which would establish a pilot program to train public housing residents as home health care aides and in home-based health care services to enable residents to provide covered home-based health care services to residents of public housing and residents of federally-assisted rental housing, who are elderly or persons with a disability.

Referred to the Committee on Public Housing.

Int. No. 202

By Council Members Vacca, Brewer, Chin, Comrie, Dromm, Fidler, Gentile, James, Koslowitz, Levin, Rose, Seabrook, Williams, Rodriguez, Cabrera, Crowley, Oddo and Halloran.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the Fire Commissioner to send certain reports to the City Council.**

*Be it enacted by the Council as follows:*

Section 1. Section FC 104 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended by adding a new section 104.13 to read as follows:

**104.13 Reporting to the City Council.** *The commissioner shall prepare and send a quarterly report, within seven business days of the end of each quarter, to the council members, community boards and borough presidents whose districts were previously served by any firehouse, any tour of a fire fighting unit or a fire fighting unit that was permanently closed, removed or relocated after January 1, 2010. Such report shall indicate the average response time for the quarterly period, as well as year to date, to all fire, medical and non-medical emergencies of the new first and second due fire fighting unit or units to the affected coverage area. In the event any average response time for the quarterly period is greater than six minutes, the report must include a detailed statement as to whether the department intends to seek to reduce the response time and, if so, how. For the purposes of this section, the term “permanent” shall mean a time period in excess of three months.*

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 203

By Council Members Vacca, Brewer, Chin, Comrie, Dromm, Fidler, Gentile, Gonzalez, James, Williams, Nelson and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the submission of quarterly reports by the New York City Police Department detailing the number of summonses issued to trucks for traffic infractions.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-150 of chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new paragraph 9, to read as follows:

**9. A report based on summonses given to trucks for traffic infractions.** *A report shall be given to the City Council detailing the aggregate number of summonses issued citywide to trucks for traffic infractions. A report shall also be given to each city council member, containing, for his or her specific district of representation (a) the number of summonses given to trucks for traffic infractions in each patrol precinct; and (b) a listing, by category, of the factors leading to the issuance of said summonses. Each patrol precinct shall make its report available to the community board of that district. For purposes of this section, “truck” shall be defined as “any vehicle or combination of vehicles designed for the transportation of property, which has either of the following characteristics: two axles, six tires; or three or more axles.”*

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

Referred to the Committee on Public Safety.

Res. No. 208

**Resolution urging the State Legislature to ban the use of grille-guards/bull bars on the front of all motor vehicles that operate in the city of New York.**

By Council Member Vallone Jr.

**Whereas**, According to the World Health Organization’s “World Report on Road Traffic Injury Prevention,” the grille-guard, also known as a bull-bar, brush-guard, or roo-bar, are rigid or soft metal bars fixed to the front bumper of motor

vehicles, originally designed to prevent damage on contact with animals in rural areas; and

**Whereas**, According to various auto part accessory distributors, the benefit of grille-guards in metropolitan areas is to protect vehicles against minor bumps incurred within city limits or often used as a cosmetic accessory; and

**Whereas**, The National Highway Traffic Safety Administration states that modern vehicles are designed with softer materials at the forward end to create a crumple zone at the front of the vehicle that cushions impact and reduces the risk of injury or fatality to the occupants in an accident;

**Whereas**, Driver accounts have noted that the grille-guard can delay the front end from crumpling, potentially causing additional injury; and

**Whereas**, Many automakers such as Lexus agree that a grille-guard can prevent airbags from deploying in an accident, as they guard the sensors required to read any impact; and

**Whereas**, The European Union has stringent regulations on grille-guards, stating that they pose a greater threat to pedestrians and cyclists because in a collision with a pedestrian or cyclist, the extra rigidity of grille-guards would cause greater direct injury, and since the point of impact tends to be higher, the victim bears the full brunt of the impact; and

**Whereas**, Grille-guards pose a greater threat to the drivers and passengers of other vehicles because in collisions with other cars, the force of impact tends to be higher on the struck vehicle, which may directly hit the chest or head of the occupants; and

**Whereas**, A 1998 study by Australia's University of Adelaide found that damage to a child's head when struck by a vehicle equipped with a small diameter steel grille-guard was 10 to 15 times worse than damage inflicted by a vehicle without such a guard; and

**Whereas**, In January of 2004, Rob Schneider from Fresh Meadows, NY, was severely injured when his vehicle was struck by another fitted with a steel grille-guard which at 35 mph deflected the force into him rather than absorbing the energy; and

**Whereas**, In October of 2002, 18-year-old Dereck Lopez of Fort Worth, TX, was killed in an accident when her Cavalier was side-struck by a Silverado equipped with a rigid, steel grille-guard, smashing into the driver's side window and fracturing Ms. Lopez's skull; and

**Whereas**, Although the Federal Motor Vehicle Safety Standards prohibits making "inoperable" any safety feature or element of design in a motor vehicle, grille-guards violate two important standards by making airbags inoperable and by reducing the amount of available crush space and crumple zones of motor vehicles; and

**Whereas**, New York City has a greater number of drivers, cyclists and pedestrians than most cities in the United States, demonstrating the clear necessity to protect these vulnerable groups from serious injury or fatality in the event of an accident; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the State Legislature to ban the use of grille-guards/bull bars on the front of all motor vehicles that operate in the city of New York.

Referred to the Committee on Transportation.

Res. No. 209

**Resolution calling upon the United States Census Bureau to extend its April 15, 2010 deadline for returning Census forms and to keep both its Question Assistance Centers and Be Counted Sites open for an additional 30 days.**

By Council Members Vann, Brewer, Reyna, Chin, Comrie, Fidler, Rose, Sanders, Williams and Rodriguez.

**Whereas**, The United States Census Bureau is required by the United States Constitution to count every resident in the United States every ten years and 2010 is a "census year"; and

**Whereas**, In March of 2010, census forms were delivered to every household in the United States and its territories with instructions for residents to fill in the form that was provided so as to account for every individual residing within each residence as of April 1, 2010 and included a prepaid envelope in which the completed form would be mailed back to the Census Bureau as soon as possible; and

**Whereas**, The United States Census Bureau designated April 15, 2010 as the deadline for returning Census forms; and

**Whereas**, No borough within the City of New York has yet to achieve the Census Bureau's goal of a 70 percent mail return rate for the City, and with its current mail return rate at 51 percent as of April 9, 2010, the City has fallen below both the national and state rates, which were 65 percent and 59 percent, respectively; and

**Whereas**, As of April 9, 2010, The neighboring counties of Nassau, Suffolk, and Westchester have mail return rates above 60 percent; and

**Whereas**, The City of New York's population has always been considered to be extremely hard-to-count due to diversity in housing, areas of concentrated poverty, and a large immigrant population; and

**Whereas**, New York City residents had only a 55 percent mail response rate in the 2000 Census, which was well below the national average at that time of 67 percent; and

**Whereas**, It appears that the Census Bureau missed some places of residence during their canvassing efforts in the summer of 2009 which caused some households to receive multiple census forms while others received the form late or not at all; and

**Whereas**, These mishaps, coupled with an inherent fear of government by some City residents, have confounded efforts to effectively educate the public on both the importance and significance of census participation, and

**Whereas**, A low census response rate could have very severe consequences for our City such as greatly reduced Federal aid and the redistricting of electoral districts, which would impact the City's legislative representation in the United States Congress, the New York State legislature, and with the Council of the City of New York; and

**Whereas**, According to an April 2010 press release from the Mayor's Office, the City will lose roughly \$3,000 a year in federal funding for every New Yorker that is not counted in the census, and

**Whereas**, As one of the major economic engines of our country, New York City will only be able to maintain and increase its level of productivity if it receives the level of resources adequate for its population based on the most accurate Census 2010 count; and

**Whereas**, In order for the City of New York to have a chance at creating both a better response rate and a more accurate count for the 2010 United States Census, and taking into account the City's current return rate, which serves as a clear indication that more time is required in order for both government and community stakeholders to continue their efforts at increasing the mail participation rate citywide, and now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Census Bureau to extend its April 15, 2010 deadline for returning Census forms and to keep both its Question Assistance Centers and Be Counted Sites open for an additional 30 days.

Referred to the Committee on Community Development (preconsidered but laid over by the Committee on Community Development).

Int. No. 204

By Council Members Williams, Comrie, Dromm, Ferreras, Fidler, Koppell, Rose, Sanders Jr., Levin, Rodriguez, Mark-Viverito and Nelson.

**A Local Law to amend the New York city charter, in relation to requiring the DOE to donate school lunches that have not been consumed.**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new section 530.2 to read as follows:

§530.2 *Education department, surplus food and reporting requirement.* a. *Definitions. For the purposes of this section:*

(1) "Department" shall mean the New York city department of education.

(2) "Food bank organization" shall mean any organization or corporation that works to end hunger and increase access to affordable nutritious food for low-income persons in the city.

(3) "School lunch" shall mean a meal procured by the department for distribution to any student entitled to receive a free or reduced price meal at lunch time.

(4) "Surplus" shall mean any safe and edible food items that have been prepared for consumption, have not been distributed to students, and may be donated in accordance with food safety and New York city department of health rules.

(5) "Unconsumed" shall mean any surplus lunch menu items that have been prepared for distribution and are safe for consumption but have not been consumed.

b. The New York city department of education shall develop a procedure whereby all unconsumed school lunches at all public schools are donated to food bank organizations within New York city on a daily basis.

c. The department shall report to the council annually on or before the first of day of September information concerning the number of school lunches donated pursuant to this section, including, but not limited to:

(1) The total amount spent annually by the department on school lunches disaggregated by school.

(2) The name and location of each school and the number of pounds of food discarded by each such school during the prior school year.

(3) The name and location of each school and the number of pounds of food donated by each such school during the prior school year.

(4) The name and location of each food bank organization that received a food donation from the department.

(5) Disaggregated by community school district and council district, the report shall also include the aggregate of the data required in paragraphs one through four of this subdivision.

d. The annual reports required pursuant to this section shall be made available on the department's website and to any member of the public upon request.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Education.

Res. No. 210

**Resolution calling on the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.**

By Council Members Williams, Eugene, Brewer, Chin, Dromm, Koppell, Rose, Sanders, Seabrook, Rodriguez and Mark-Viverito.

**Whereas**, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries; and

**Whereas**, The Secretary of the Department of Homeland Security (DHS) has the authority to provide TPS to immigrants, living in the United States, who are unable to safely return to their home country because of an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent their safe return; and

**Whereas**, The United States Citizenship and Immigration Services (USCIS), part of DHS, is responsible for administering the TPS program; and

**Whereas**, A country's TPS designation takes effect on the date of publication of the designation and may last between six and 18 months, with the possibility of an extension; and

**Whereas**, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS; and

**Whereas**, On January 12, 2010, Haiti experienced a 7.0 magnitude earthquake that destroyed most of Haiti's capital, Port-au-Prince, severely affected the country's infrastructure, and led to the deaths of more than 200,000 people and the injuries of more than 300,000 people; and

**Whereas**, On January 21, 2010, Janet Napolitano, Secretary of DHS, granted an 18-month TPS designation to Haiti because of the extraordinary and temporary conditions that prevent Haitians from returning safely to their homes; and

**Whereas**, Haitians who were in the United States as of January 12, 2010 are eligible for TPS benefits so long as they register for TPS by July 20, 2010; and

**Whereas**, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States and New York City is home to the second largest Haitian population in the nation; and

**Whereas**, It is estimated that TPS will protect at least 100,000 Haitians believed to be living in the United States illegally; and

**Whereas**, Haitians granted TPS may obtain authorization to work in the United States; and

**Whereas**, Haitians granted TPS who are living in New York City are eligible for in-state tuition rates at schools in the CUNY system; and

**Whereas**, Any immigrants granted TPS, including Haitians, however, are not considered to be permanently residing in the United States; and

**Whereas**, According to the New York State Office of Temporary and Disability Assistance guide on alien eligibility for public benefits entitled the "Alien Eligibility Desk Aid," the only non-citizen Haitians eligible for Medicaid, Family Assistance, Safety Net Assistance, and Food Stamp Benefits are "Haitian entrants"; and

**Whereas**, "Haitian entrant" is defined in section 501(e) of the Refugee Education Assistance Act of 1980 as an individual from Haiti who has applied for asylum with the United States; and

**Whereas**, Haitian TPS beneficiaries are not considered to be "Haitian entrants" on the basis of having been granted TPS and as such are not deemed eligible for any federal public benefits administered by New York State and New York City; and

**Whereas**, The Obama administration has promised to continue to support Haiti and its people as it recovers from the disastrous January 12, 2010 earthquake and extending federal public benefits to Haitians with TPS living in the United States would be a form of support for Haiti; now, therefore, be it,

**Resolved**, That the Council of the City of New York calls upon the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.

Referred to the Committee on Immigration.

L.U. No. 83

By Council Member Comrie:

**Application no. 20105554 HAX, an Urban Development Action Area Project located at 2023 Belmont Avenue, Council District no. 15, Borough the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 84

By Council Member Comrie:

**Application no. 20105555 HAM, an Urban Development Action Area Project located at 420 East 73<sup>rd</sup> Street, Council District no. 5, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 85

By Council Member Comrie:

**Application no. 20105556 HAM, an Urban Development Action Area Project located at 30 West 119<sup>th</sup> Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 86

By Council Member Comrie:

**Application no. 20105442 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi Global, Inc. d/b/a Willburg Café, to establish maintain and operate an unenclosed sidewalk café located at 623 Grand Avenue, Borough of Brooklyn, Council District no. 34. 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(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 87

By Council Member Comrie:

**Application no. 20105403 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Fidel Corp. d/b/a Le Barricou, to establish maintain and operate an unenclosed sidewalk café located at 533 Grand Street, Borough of Brooklyn, Council District no. 34. 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(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 88

By Council Member Comrie:

Application no. 20105413 HKM (N 100247 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.426, LP-2379) by the Landmarks Preservation Commission of the former Yale Club, located at 30-32 West 44th Street, as a historic landmark, Council District no.3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 89

By Council Member Comrie:

Application no. 20105414 HKM (N 100248 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.426, LP-2350) by the Landmarks Preservation Commission of the 143 Allen Street House, located at 143 Allen Street, as a historic landmark, Council District no. 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 90

By Council Member Comrie:

Application no. C 070520 ZMK submitted by Jom Tob Gluck pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 22c, by establishing within an existing R5 District a C1-3 District.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Friday, April 30, 2010

★ Deferred

Committee on IMMIGRATION..... 10:00 A.M. Agenda to be announced Hearing Room— 250 Broadway, 16th Floor ..... Daniel Dromm, Chairperson

Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES jointly with the SUBCOMMITTEE ON DRUG ABUSE.....10:00 A.M. Oversight - The State of Drug Abuse & Treatment in NYC Council Chambers – City Hall ..... G. Oliver Koppell, Chairperson ..... Fernando Cabrera, Chairperson

Committee on CONTRACTS.....10:00 A.M. Oversight - Follow up hearing on the 2008 Capital Construction Contracting Reform Initiatives Hearing Room – 250 Broadway, 14th Floor..... Darlene Mealy, Chairperson

★ Addition

Committee on WATERFRONTS..... 1:00 P.M. Oversight – Rules of the Road, Boating Safety and Cooperation in New York City Waters

Hearing Room – 250 Broadway, 14th Floor..... Michael Nelson, Chairperson

★ Addition

Committee on AGING ..... 1:00 P.M.

Oversight – Social Security and Seniors Res 7 - By Council Members Lappin, Vacca, Brewer, Dickens, Ferreras, Fidler, Foster, Gentile, James, Levin, Mealy, Palma, Sanders, Seabrook, Williams and Nelson - Resolution calling upon the United States Congress to authorize a minimum \$250 economic stimulus payment for Social Security and Supplemental Security Income beneficiaries to aid seniors and persons with disabilities during these difficult economic times given that there will be no automatic Social Security cost of living adjustment in 2010.

Council Chambers – City Hall ..... Jessica Lappin, Chairperson

Monday, May 3, 2010

Committee on STATE AND FEDERAL LEGISLATION ..... 1:00 P.M.

Res 79 – By The Speaker (Council Member Quinn) and Council Members Foster, Fidler, Jackson, Palma, Arroyo, Barron, Brewer, Cabrera, Chin, Dromm, Gonzalez, James, Koppell, Lander, Mark-Viverito, Sanders, Van Bramer, Vann, White, Mendez, Comrie, Dickens, Mealy, Williams, Koo and Nelson - Resolution calling on the United States Congress to renew and strengthen the Child Nutrition and WIC Reauthorization Act.

Council Chambers – City Hall .....Helen Foster, Chairperson

Tuesday, May 4, 2010

Subcommittee on ZONING & FRANCHISES .....9:30 A.M.

See Land Use Calendar Available Wednesday, April 28, 2010, in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor ..... Mark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M.

See Land Use Calendar Available Wednesday, April 28, 2010, in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor ..... Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS.... 1:00 P.M.

See Land Use Calendar Available Wednesday, April 28, 2010, in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor .....Stephen Levin, Chairperson

Wednesday, May 5, 2010

★ Deferred

Committee on FINANCE jointly with the Committee on COMMUNITY DEVELOPMENT .....10:00 A.M.

Proposed Int 26 A – By Council Members Vann, Brewer, James, Mark Viverito, White, Arroyo, Williams, Gennaro, Ferreras and Lander – A Local Law to amend the administrative code of the city of New York, in relation to the sale of water liens. Council Chambers – City Hall..... Domenic M. Recchia, Chairperson ..... Albert Vann, Chairperson

Committee on HEALTH..... 1:00 P.M.

Preconsidered Int \_\_\_\_ - By Council Member Arroyo - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.

Preconsidered Int \_\_\_\_ - By Council Member Arroyo - A LOCAL LAW - To amend the administrative code of the city of New York, to repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.

Preconsidered Int \_\_\_\_ - By Council Member Palma - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to information and reporting on child care facilities and to repeal section 17-920, relating to reports regarding child care facilities.

Council Chambers – City Hall .....Maria del Carmen Arroyo, Chairperson

Committee on LOWER MANHATTAN REDEVELOPMENT jointly with the Committee on WATERFRONTS..... 1:00 P.M.

Tour: Governors Island Details Attached.....Margaret Chin, Chairperson

.....Michael Nelson, Chairperson

Thursday, May 6, 2010

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Hearing Room – 250 Broadway, 16th Floor .....Leroy Comrie, Chairperson

★ Addition

Committee on FINANCE jointly with the
Committee on COMMUNITY DEVELOPMENT ..... 1:00 P.M.
Proposed Int 26-A - By Council Members Vann, Brewer, James, Mark-Viverito,
White, Arroyo, Williams, Gennaro, Ferreras and Lander - A Local Law to amend
the administrative code of the city of New York, in relation to the sale of water liens.
Hearing Room – 250 Broadway, 14th Floor..... Domenic M. Recchia, Chairperson
..... Albert Vann, Chairperson

Committee on TRANSPORTATION jointly with the
Committee on PUBLIC SAFETY ..... 1:00 P.M.
Oversight – Are we doing enough to keep straphangers safe?
Council Chambers – City Hall..... James Vacca, Chairperson
..... Peter Vallone, Chairperson

Friday, May 7, 2010

Committee on CONTRACTS.....10:00 A.M.
Oversight - VENDEX
Hearing Room – 250 Broadway, 14th Floor..... Darlene Mealy, Chairperson

Monday, May 10, 2010

Committee on PUBLIC HOUSING .....10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor ..... Rosie Mendez, Chairperson

Committee on AGING .....10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor .....Jessica Lappin, Chairperson

Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M.
Agenda to be announced
Council Chambers – City..... James F. Gennaro, Chairperson

Committee on IMMIGRATION ..... 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor ..... Daniel Dromm, Chairperson

Tuesday, May 11, 2010

Committee on FINANCE.....10:00 A.M.
Proposed Int 18-A - By Council Members Mark-Viverito, Barron, Brewer, Cabrera,
Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz,
Lander, Mendez, Palma, Reyna, Sanders Jr., Van Bramer, Williams, Vann, Chin,
Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy, Gentile,
Crowley and Ulrich - A Local Law to amend the administrative code of the city of
New York in relation to establishing a prevailing wage requirement for building
service employees in buildings owned, or managed, in whole or in part by persons
receiving financial assistance or rent derived in whole or in part from the city
treasury.
Council Chambers – City Hall..... Domenic M. Recchia, Chairperson

Committee on CONSUMER AFFAIRS .....10:00 A.M.
Int 201 - By Council Member Reyna and Comrie - A Local Law - To amend the
administrative code of the city of New York, in relation to rates for the towing of
motor vehicles.
Hearing Room – 250 Broadway, 14th Floor ..... Karen Koslowitz, Chairperson

Committee on MENTAL HEALTH, MENTAL RETARDATION,
ALCOHOLISM, DRUG ABUSE AND
DISABILITY SERVICES..... 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 14th Floor..... G. Oliver Koppell, Chairperson

Committee on CIVIL SERVICE AND LABOR..... 2:00 P.M.
Int 97 - By Council Members Brewer, Lappin, Mendez, Palma, Gonzalez, Ferreras,
Koppell, Recchia, Gentile, Mark-Viverito, Rodriguez, James, Williams, Levin, Rose,
Jackson, Chin, Seabrook, Barron, Ulrich, Mealy, Nelson, White, Vann, Crowley,
Foster, Lander, Van Bramer, Dromm, Garodnick, Rivera, Cabrera, Eugene,
Koslowitz, Vacca and the Public Advocate (Mr. de Blasio) - A Local Law to amend
the administrative code of the city of New York, in relation to the provision of paid
sick time earned by employees.
Council Chambers – City Hall ..... James Sanders, Chairperson

Wednesday, May 12, 2010

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.

MEMORANDUM

April 21, 2010

TO: ALL COUNCIL MEMBERS
RE: TOUR BY THE COMMITTEES ON LOWER MANHATTAN
REDEVELOPMENT AND WATERFRONTS
Please be advised that all Council Members are invited to attend a
tour:

GOVERNORS ISLAND

The tour will be on Wednesday, May 5th, 2010 beginning at 1:15 p.m. A
van will be leaving City Hall at 12:30 p.m. sharp.

Council Members interested in riding in the van or to get more information about the
tour should contact either Lyle Frank at 212-788-9188 or lfrank@coouncil.nyc.gov
or Jeff Baker at 212-788-9193 or jbaker@council.nyc.gov by April 30, 2010.

Margaret Chin, Chairperson Michael Nelson, Chairperson Christine C. Quinn
Committee on Lower Manhattan Redevelopment Committee on Waterfronts Speaker of the Council

EXECUTIVE BUDGET 2011

NEW YORK CITY COUNCIL FISCAL YEAR 2011 EXECUTIVE
BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative
to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-
XXXVI & CD-XXXVII Programs for the Fiscal Year 2011 to be held in the
Council Chambers, City Hall, as follows:

Thursday, May 13, 2010

Table with 3 columns: Time, Agency Testifying, Finance Committee jointly with Council Committee

10:00 11:00	-	Finance	Finance
11:00 12:00	-	Design & Construction	Finance
12:00 – 1:00		Environmental Protection (Capital)	Environmental Protection
1:00 – 2:00		Environmental Protection (Expense)	Environmental Protection

**Friday, May 14, 2010**

Time		Agency Testifying	Finance Committee jointly with Council Committee
10:00 10:30	-	Equal Employment Practices Commission	Civil Rights
10:30 11:00	-	Human Rights Commission	Civil Rights
11:00 12:30	-	City University of New York	Higher Education
12:30 2:30	-	Education & School Construction Authority (Capital)	Education

**Monday, May 17, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:45	Citywide Administrative Services	Governmental Operations
10:45 - 11:45	Board of Elections	Governmental Operations
11:45 - 12:30	Law	Governmental Operations
12:30 - 1:15	Campaign Finance Board	Governmental Operations
1:15 - 2:15	Juvenile Justice	Juvenile Justice

**Tuesday, May 18, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
9:30 - 11:00	Human Resources Administration / Social Services	General Welfare
11:00 - 1:00	Administration for Children's Services	General Welfare and Women's Issues
1:00 - 3:00	Homeless Services	General Welfare

**Friday, May 21, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Transportation (Expense)	Transportation
10:30 - 11:15	Transportation (Capital)	Transportation
11:15 - 11:45	MTA NYC Transit (Capital)	Transportation
11:45 - 12:15	MTA NYC Transit (Expense)	Transportation
12:15 - 1:00	Taxi & Limousine Commission	Transportation

**Monday, May 24, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Consumer Affairs	Consumer Affairs
10:30 - 11:00	Business Integrity Commission	Consumer Affairs
11:00 - 1:00	Education (Expense)	Education

**Tuesday, May 25, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00 - 12:00	City Planning	Land Use
12:00 - 1:30	Information Technology and Telecommunications	Land Use and Technology in

		Government
1:30 - 3:00	Youth and Community Development	Youth Services & Community Development
3:00 - 4:00	Small Business Services	Economic Development and Small Business and Community Development
4:00 - 5:00	Economic Development Corporation	Economic Development

**Tuesday, June 1, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
12:30 - 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
1:30 - 2:30	Legal Aid	Fire & Criminal Justice Svcs.
2:30 - 3:00	Investigation	Oversight and Investigations
3:00 - 4:00	Parks & Recreation	Parks & Recreation

**Wednesday, June 2, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 - 11:30	Aging	Aging
11:30 - 12:00	Medical Examiner	Health
12:00 - 1:30	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
1:30 - 3:30	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

**Thursday, June 3, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Police	Public Safety
12:00 - 1:15	District Attorney / Special Narcotics Prosecutor	Public Safety
1:15 - 1:45	Office of Emergency Management	Public Safety
1:45 - 2:45	Civilian Complaint Review Board	Public Safety
2:45 - 4:45	Sanitation	Sanitation and Solid Waste Management

**Friday, June 4, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Select Committee
10:00 - 10:45	NYCHA	Housing & Buildings and Public Housing
10:45 - 11:15	Housing Preservation & Development (Expense)	Housing & Buildings
11:15 - 12:00	Housing Preservation & Development (Capital)	Housing & Buildings
12:00 - 1:00	Buildings	Housing & Buildings
1:00 - 2:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Select Committee on Libraries
2:30 - 3:45	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

**Monday, June 7, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 - 1:30	Comptroller	Finance
1:30 - 2:00	Independent Budget Office	Finance
2:00	Public	

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 Wednesday, May 12, 2010.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

***Editor's Local Law Note:*** Int Nos. 24-A, 35-A, and 128, all adopted by the Council at the April 14, 2010 Stated Council Meeting, were signed by the Mayor into law on April 27, 2010 as, respectively, Local Law Nos. 9, 10, and 11 of 2010.









