SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

WEDNESDAY, MARCH 2, 2011

THE COUNCIL

Minutes of the
STATED MEETING
of
Wednesday, March 2, 2011, 1:40 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Arroyo and Koslowitz.

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 49 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Reverend Joshua Bartholomew, Abyssinian Baptist Church, 132 Odell Clark Place, New York, NY 10030.

Sisters and Brothers, let us Pray;

Almighty God, we thank you for this day,
We thank you for your love, your grace, and your mercy;
We're grateful, Dear Lord, for all of the many blessings
you have bestowed upon us;
and we ask now that you forgive us all of our sins
so that we can meet with clean hands.
Please bless this gathering with the presence of your Holy Spirit;
help us to join our minds, and our hearts, and our spirits together
so that we may have a fruitful meeting, a productive meeting, in your Name.
Pray, Dear Lord, that as we move forward,
you help us to always keep in the front of our minds
the fact that you've blessed us with so many privileges,
and the fact that we can serve in the positions we serve
are a privilege and an honor.
So be with us now
and guide all that we say
and guide all that we receive
in Jesus, our resurrected Savior's Name
Let the people of God say, Amen.

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

After the Invocation, the ceremonials were held in the Chambers. After the last of the ceremonials, the Stated Meeting continued with the Adoption of the Minutes segment of the Meeting.

ADOPTION OF MINUTES

Council Member Reyna moved that the Minutes of the Stated Meeting of February 2, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-394

Communication from the Mayor – Submitting Preliminary Mayor's Management Report (PMMR) for Fiscal Year 2011.

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

Received, Ordered, Printed and Filed.

M-395

Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2011-2015, pursuant to Sections 101 and 213 of the New York City Charter.

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

Referred to the Committee on Finance.

M-396

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2012, pursuant to Sections 225 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-397

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2012, pursuant to Sections 100 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-398

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2012, pursuant to Sections 100, 212 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-399

Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2012, pursuant to Section 104 of the New York City Charter.

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

Referred to the Committee on Finance.

M-400

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2012, pursuant to Section 213 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-401

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2012, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2010, Financial Summary, pursuant to Section 219 of the New York City Charter.

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

Referred to the Committee on Finance.

M-402

Communication from the Mayor – Submitting the Preliminary Ten-Year Capital Strategy, Fiscal Year 2012-2021.

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

Referred to the Committee on Finance.

M-403

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2012 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.

February 17, 2011

Honorable Members of the Council
Honorable John C. Liu, Comptroller
Honorable Ruben Diaz Jr., Bronx Borough President
Honorable Marty Markowitz, Brooklyn Borough President
Honorable Scott M. Stringer, Manhattan Borough President
Honorable Helen M. Marshall, Queens Borough President
Honorable James P. Molinaro, Staten Island Borough President
Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2012 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2012	$7,429 Million
2013	6,703 Million
2014	6,485 Million
2015	5,851 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2012 — 2015:

2012	$5,276 Million
2013	4,846 Million
2014	4,823 Million
2015	4,420 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2012 2015:

2012	$2,153 Million
2013	1,857 Million
2014	1,662 Million
2015	1,431 Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2012, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2012	$3,167 Million
2013	3,783 Million
2014	4,189 Million
2015	3,197 Million

Sincerely,

Michael. R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

M-404

Communication from the Mayor - Withdrawing the nomination of Nancy G. Chaffetz (M-385) from the City Council for its advice and consent regarding her reappointment to the New York City Civil Service Commission.

February 24, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

I hereby request the name of Nancy Chaffetz, sent to the City Council for advice and consent prior to her reappointment to the Civil Service Commission, be withdrawn from consideration at this time.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

Preconsidered M-405

Communication from the Mayor – Submitting the name of Frank V. Carone from the City Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

February 17, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

Following the recommendation and majority vote of the Brooklyn delegation of the City Council, and pursuant to Sections 31 and 2301 of the City Charter, I hereby present the name of Frank V. Carone for advice and consent prior to his appointment to the Taxi and Limousine Commission.

The appointment of Mr. Carone will be for the remainder of a seven-year term which began on February 1, 2008 and will expire on January 31, 2015.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-406

Communication from the Mayor - Submitting the name of Nora Constance Marino from the City Council for its advice and consent regarding her appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

February 25, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

Following the recommendation and majority vote of the Queens delegation of the City Council, and pursuant to Sections 31 and 2301 of the City Charter, I hereby present the name of Nora Constance Marino for advice and consent regarding her possible appointment to the Taxi and Limousine Commission.

The appointment of Ms. Marino would be for the remainder of a seven-year term which began on February 1, 2008 and will expire on January 31, 2015.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-407

Communication from the Public Advocate - Submitting Public Advocate's annual report for Fiscal Year 2011, pursuant to section 24 (n) of the New York City Charter.

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

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-408

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 212 Lafayette Street, Community Board 2, Application 20115530 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-409

By Council Member Garodnick:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 1022 Lexington Avenue, Community Board 8, Application 20115128 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

M-410

By Council Member Jackson:

Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application N 100339 ZAM 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 –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **49.**

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 subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 26-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

The Committee on Finance, to which the annexed amended proposed local law was referred on February 3, 2011 (Minutes, page 234), respectfully

REPORTS:

On Wednesday, March 2, 2011 the Committee on Finance will consider Proposed Int. 26-A, a local law to amend the Administrative Code in relation to the sale of tax liens.

BACKGROUND/ LIEN SALE HISTORY

A lien is a legal claim against real property for unpaid property taxes, water, sewer or other property charges, as well as the interest due on these taxes and charges.[1] When outstanding amounts have been delinquent for a legally specified period of time, and the City has mailed notice to the property owner, the City of New York is allowed to sell the lien(s) to an authorized third party, who becomes the "tax lien purchaser".[2] The new tax lien purchaser then has the authority to collect the money that was previously owed to the City, plus other fees and interest.[3]

In the spring of 1996, the Council adopted Local Law No. 26 of 1996, which provided that "a tax lien or tax liens on a property or any component of the amount thereof may be sold by the city when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class 1 property or on class 2 property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years...." Local Law No. 26 did not permit the City to sell ***any*** tax lien or tax liens that did not contain a real property tax component. In other words, tax liens on any property that were comprised solely of unpaid water and sewer charges and/or non-property tax lienable charges could not be sold by the City.[4]

Local Law No. 26 also provided the Commissioner ("the Commissioner") of the Department of Finance ("DOF") with the authority to determine the pool of tax liens that would be sold. According to the Administration, selection of the pool was based on factors such as the financial goals of the City, housing policy and marketability. In addition, the Commissioner had the authority to sell tax liens "either individually, in combinations, or in the aggregate..." and to establish the terms and conditions of any tax lien sale. The authority to sell tax liens under this legislation was to sunset on December 31, 1997.

In 1997, and again in 2001, the Council enacted legislation that extended the Commissioner's authority to sell tax liens.[5] Together, these local laws excluded property owned by a company organized pursuant to article XI of the State Private Housing Finance Law, and allowed the sale of class 4 property liens with only a water or sewer component so long as the property was in arrears for a minimum of one year. In 2006, after a series of amendments and extensions, the tax lien program, pursuant to Local Law 2 of 2006, was extended until August 31, 2006.[6]

On October 22, 2007, the Committee on Finance held an oversight hearing to examine the billing practices and collection performance at the Department of Environmental Protection ("DEP"), and how and when they planned to implement the recommendations set forth in a report issued by the consulting firm, Booz Allen Hamilton.[7] According to the report, several factors contributed to the lower than expected rate of collection, including DEP's inability to effectively collect overdue bills.[8]

According to the report, DEP relied on the following enforcement tools to recover past-due revenue: service termination (available for some accounts, not all), dunning notices, low and high volume outbound calling, and the sale of water and sewer liens.[9] Pursuant to Local Law 2 of 2006, the liens on real property tax class 1 properties and class 2 co-ops and condos were eligible for lien sales with a minimum of three years in arrears on property taxes only. Class 2 rental properties, class 3 utility properties and class 4 commercial and industrial properties were eligible for lien sales with a minimum of one year in arrears on property taxes.[10] If the properties had other outstanding liens, like water and sewer charges, those liens were included in the lien sales.[11] However, a loophole in the law allowed class 1 properties and class 2 co-ops and condos to bypass the lien sale by paying their outstanding property taxes only, even if there were outstanding water and sewer liens.[12] Though the water lien sale was viewed as a tremendous enforcement tool for delinquent bill payers, DEP's authority to sell water and sewer liens expired on August 31, 2006.[13] Subsequent to the expiration of the Commissioner's authority to sell tax liens, DEP lacked the enforcement power to collect delinquent bills and thus did not have sufficient revenue to operate the Water System.[14] As a result, the Administration sought to propose an 18.5 percent increase in water rates for Fiscal Year 2008.

Stand Alone Water Liens

In order to increase revenue collection and prevent the 18.5 percent mid-year increase, the Administration and the Council agreed to extend the DOF Commissioner's authority to sell tax liens and authorize the City to conduct stand-alone lien sales of delinquent water and sewer charges on certain residential properties. Local Law 68 of 2007 reauthorized and extended the Commissioner's authority to sell tax liens based on delinquent property taxes or delinquent water and

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[1] *See generally*, NYC Administrative Code, Title 11, Chapter 3.

[2] *See* NYC Administrative Code § 11-332.

[3] *See id.*

[4] *See* Local Law 2 of 2006, as codified in NYC Administrative Code § 11-319 (a).

[5] *See* Local Law 98 of 1997 and Local Law 26 of 2001.

[6] *See* NYC Administrative Code § 11-319(b).

[7] See NYCC Finance Committee "Update on customer service, billing practices and collection performance at the NYC Department of Environmental Protection," October 22, 2007.

[8] Booz, Allen, Hamilton, "NYC DEP Bureau of Customer Services (BCS) Best Practices Customer Service Model Design Project Report," Summer 2007.

[9] *See id.* at 58.

[10] *See* NYC Administrative Code § 11-319(a)

[11] *Id.*

[12] In Local Law 36 of 2001, the loophole was closed for class 4 properties.

[13] NYC Administrative Code § 11-319(b). The legislation sunset on August 31, 2006.

[14] DEP is responsible for the System's operation, maintenance and improvement. *See* §1403 of the New York City Charter, NYS Public Authorities Law § 1045-i [2] [vii].

sewer charges until December 31, 2010.[15] The legislation also included the authority to conduct lien sales of delinquent water and sewer charges independent of other delinquencies, provided the water and sewer charges had been delinquent for at least one (1) year and equal to or exceeding $1,000. Under Local Law 68, all single family homeowners in class 1, and certain senior citizen, disabled and low income homeowners owning two or three family property in class 1 were exempt from the sale of water and sewer liens.[16]

By circumventing the need for an 18.5 percent mid-year rate increase, the City taxpayers were able to save approximately $63 per single family home. As an additional safeguard for DEP customers, the Administration and the Council entered into an agreement in the form of a Memorandum of Understanding ("MOU"), which among other things provided for the creation for a Payment Incentive Program ("PIP") and the creation of an Ombudsman Unit. [17]

OVERVIEW OF LIEN SALES

The City, together with its financial advisors, sells the liens to an independent private entity, the lien sale Trust. The Trust packages the liens into security-backed assets, which are sold to investors on the private placement market. The Trust pays the City a certain portion of the value of the liens upfront, usually around 90 percent of the lien value. At this point, the City no longer "owns" the liens and has no role in the post-lien sale process. The Trust hires private collection agents or servicers to collect the debt from the owners and to handle foreclosure proceedings and property auctions.

The money raised by the issuance of the bonds (as well as a subordinated note issued by the Trust) is then used to acquire a portfolio of tax liens which include City of New York liens (property tax liens), Water Board liens and Business Improvement District ("BID") liens. The City, the Water Board and the BIDs retain a residual interest in the Trust. The Trust hires one or more servicers to work with delinquent property taxpayers to help them pay off their tax liens. Proceeds received by the servicers are first used to pay off the senior notes held by the institutional investors. After these have been paid off, the City, Water Board and BIDs begin to have their subordinate note paid down.

FEBRUARY 18, 2011: PROPOSED INTRO. 26-A

On February 18, 2011, the Finance Committee held a joint hearing with the Committee on Community Development to consider Proposed Int. 26-A.

MARCH 2, 2011 PROPOSED INT. 26-A

Since the February 18, 2011 hearing, amendments to Proposed Int. 26-A have been made to address issues raised by the Administration, as well as incorporate suggestions from elected officials, community organizations, and members of the public.

Below is a comprehensive list of the provisions of the bill. This bill would improve the lien sale process by:

Current Law

Currently, owners of Class One homes (1-, 2- and 3-family homes) and owners of Class Two co-ops and condos must be three years in arrears on property tax to be included in property tax lien sales. Owners of Class One single-family homes are exempt from water and sewer-only lien sales; owners of Class One two- and three-family homes and owners of Class Two co-ops and condos must be at least one (1) year in arrears and $1,000 or more to be included in water and sewer-only lien sales. Owners who are currently exempt from the property tax lien sale include: Class One residential property owners are excluded if receiving a qualifying exemption (Senior Citizens Homeowner Exemption, Disabled Homeowner Exemption, Circuit Breaker); Owners that are exempt from water and sewer lien sale include: all single family homes and 2- and 3-family homes receiving a qualifying exemption. All HDFC buildings are also exempt from lien sales.

PROPOSED INT. 26-A

This Legislation would maintain the current provisions for real property tax liens. Water and sewer lien sales would continue to exclude single family homes and exclude 2- and 3-family homes if they are receiving a qualifying exemption. The threshold to be included in the tax lien sale would increase for water and sewer liens to 1 year and $2,000 for 2- and 3-family homes, while all other properties would remain at the threshold of 1 year and $1,000. In addition, certain properties receiving an enhanced Veterans Exemption would be excluded from future property tax and water and sewer lien sales, and the legislation would codify the current practice of excluding properties owned by active-duty military personnel.

Stand Alone Charges

This legislation would also authorize the sale of liens placed by the Department of Housing Preservation and Development for Emergency Repair Program (ERP) charges accrued since January 1, 2006, and Alternative Enforcement Program (AEP) expenses and fees when such liens are at least 1 year old and total at least $1,000 Residential Class One properties with the exception of non-owner occupied 3-family homes that are in the AEP program would be excluded.

Housing Development Fund Corporations (HDFCs)

This legislation would allow the inclusion of HDFC rental buildings in lien sales beginning January 1, 2012, with a threshold of 2 years and $5,000. The legislation requires the Commissioner of Housing Preservation Development (HPD) to notify building owners of the Finance commissioner's authority to sell such liens by May 1, 2011. HDFC co-ops or condos would continue to be excluded from lien sales.

Notification Provisions

This legislation codifies the current practice of first-class mail notification to property owners at 90, 60, and 30 days prior to the lien sale date, and adds a 10 day mailing, in addition to the publication at 90 and 10 days before lien sale. In addition, bi-annual (October and January) statements and all lien sale notifications are to include: 1) qualifying exemption information, 2) payment plan availability, 3) ombudsperson contact information, 4) a lien sale process description. Statements and notices must be in Chinese, English, Korean, Russian, or Spanish if requested by owner, or if DOF has reason to believe that is the property owners' primary language. Post-sale notifications are to include contact information for the DEP and DOF ombudsperson.

Eligibility Determination

This legislation would require the City to provide an exemption eligibility checklist to help make homeowners aware of qualifying exemptions that would exclude them from the lien sale. The checklist would be included in any mailing to a delinquent taxpayer, and with all notices to homeowners whose properties have been included in a lien sale notification list. Upon receipt of an eligibility checklist, or other communication indicating possible exemption eligibility of a property owner, DOF must follow prescribed steps to provide the homeowner with application forms for the appropriate exemption. DOF is to provide a list to the Council of property owners who returned an exemption eligibility checklist but not a completed application 30 days prior to the lien sale, and again 30 days after the lien sale. Property owners who have communicated to DOF their possible eligibility prior to the lien sale have 90 days from the lien sale date to submit an exemption application.

Upon request, DOF shall provide prompt assistance to any homeowner in completing their exemption application.

Payment Plan

Under current law, there are no provisions for payment plans, which are established at the discretion of the Finance and DEP commissioners. The legislation would establish a standard plan for all lien types with no down payment requirement and a minimum 8-year and maximum 10-year repayment period, unless the property owner specifies otherwise. Defaults on a payment plan would bar future payment plan for 5 years, unless the default is cured before lien sale, or the homeowner is able to demonstrate extenuating circumstances, to be defined by rule.

Lien Servicers

This legislation would make the interest rate servicers charge after a lien is sold correspond to Banking Commission rates for delinquent property taxes, adopted annually, and currently 9 percent for properties with assessed value up to $250,000 and 18 percent for properties over $250,000 in assessed value. This legislation would also require an itemization of taxes, interest, and fees on servicer bills and make all fees reasonable and bona fide, and in the case of attorney fees, customary. The servicer also must include language in all communications regarding: 1) availability of forbearance agreement, 2) explanation of the role of the lien servicer, and 3) servicer and City ombudsperson contact information.

Dispute Process and Monthly Billing

This legislation would require that DOF, DEP, and HPD promulgate by rule a description of their existing processes for disputing the validity of any taxes or charges that are subject to the lien sale. For DOF the dispute status and estimated time of resolving the dispute will be placed on the tax bill. For DEP the dispute status and estimated time of resolution will be accessible in the customer's secure on-line account. In addition, the legislation would mandate that beginning on January 1, 2012 individuals who have entered into a payment plan for delinquent water and sewer charges who have AMR (automated meter reading) will receive a single consolidated bill from DEP for both current and delinquent charges.

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[15] *See* Local Law 68 of 2007.

[16] The legislation excluded all class 1 owners receiving the Senior Citizen Homeowner Exemption, the Disabled Homeowner Exemption, and the State Personal Income Tax Circuit Breaker; accelerated the sale of property tax liens on certain properties that are deemed abandoned after 18 months in arrears on property taxes, rather than three years; created an ombudsman unit within DEP; and extended the lien sale notification period from 60 days to 90 days.

[17] Specifically, according to the terms of the MOU, DEP agreed to: provide to the Council quarterly reports detailing a wide range of performance factors, beginning July 1, 2008; create a PIP, which for residential home customers owing $1,000 or more for one year or longer, will forgive all late charges, and caps utility charges at $2 per day; establish an Ombudsman Unit, beginning January 1, 2008 that will be responsible for providing special assistance to all account holders facing a lien sale and undergoing the lien sale process; install top receivers and account-based transmitters in the Spring 2008; and convert to monthly billing rather than quarterly billing by the Spring of 2011.

Reporting

HPD must provide to the Council within 120 days of when a lien is sold a description of the criteria used to remove properties from the lien sale list at the commissioner's discretion. HPD must also provide the Council with a list whenever liens sold on HDFC rental properties or for ERP and AEP liens result in a foreclosure, a transfer of title, or a new owner of record after the initial lien sale notification.

DOF must provide the Council within 120 days of when a lien is sold, a description of the disposition (whether an owner entered into a payment plan, whether the owner paid in full, whether they were distressed, etc.) of properties that were on the initial lien sale notification list.

CHANGES TO PROPOSED INT. 26-A CONSIDERED ON FEBRUARY 18, 2011

On February 18, 2011, the Finance Committee held a joint hearing with the Committee on Community Development to consider Proposed Int. 26-A. That legislation has since been adjusted based on information gained in that hearing and in subsequent discussions. The provisions changed from the February 18 draft of the bill are listed below.

(1) The increase the delinquency threshold for two- and three-family homes in class 1 that can be included in the water lien sale from 1year/$1,000 to 2 year/$2,000 was amended to be an increase to *1 year*/$2,000.
(2) The inclusion of the ERP and AEP charges as a stand-alone lien had a threshold for eligible property types (all non-Class one properties and 3 family homes not owner occupied and in the Alternative Enforcement Program) originally set at 2 years/$2,000. This threshold has been amended to 1 year/$1,000.
(3) The inclusion of the veteran's exemption (alternative, regular, and gold star) and the New York State Enhanced STaR exemption with maximum incomes of up to $55,000 from property tax liens, water only lien, and emergency repair liens sales and subsequent tax liens from the list of qualifying exemptions that exempt a property from the lien sale was amended to limit the inclusion of the veteran's exemption to those who served in combat or were disabled. Also, active military personnel who are currently receiving a benefit from the Department of Finance pursuant to benefits pursuant to DOF 05-3 memorandum in accordance with the provisions of Service members Civil Relief Act and the Soldiers' and Sailors' Civil Relief Act, section 314 of the Military law has been added. The Enhanced STaR provision was removed.
(4) The extension of the time when homeowners first receive notice of the sale to the date of the sale from 90 days to 120 days via certified mail return receipt was amended to codify the mailings at the 90 day and 60 day notice point that are current practice, but not required in law, and add a new mailing at the 10 day notice point in addition to the publication currently required at 10 days prior to the lien sale.
(5) The requirement of quarterly mailings with lien sale process information, and exemption information, with relevant contact information was replaced with a bi-annual mailing of the same information.
(6) Specifically require the employees of DEP and DOF who have been charged with dealing with inquiries from homeowners whose liens have been sold to serve as a liaison between an owner and the purchaser of such tax lien or liens to assist in the satisfaction of the tax lien or liens has been replaced by a requirement that the servicer include information on: 1) the availability of forbearance agreements, explanation of roles of lien servicer and City ombudsperson, and contact information for servicer and City ombudsperson.
(7) The classification of liens on properties owned by individuals who are eligible for a qualifying exemption, but not enrolled in the program, as defective has been replaced with a more robust and target outreach effort to identify potentially eligible property owners (for more detail, see text under caption "Eligibility Determination" on page 8 of this report)
(8) The requirement of the DOF commissioner to remove charges that are in dispute from the sum used to compute lien sale eligibility. This current legislation removes this provision.
(9) Requiring DOF to establish a means-based payment plan for property owners noticed for sale for delinquent property taxes, water and sewer charges, or emergency repair charges has been replaced by a codified payment plan that requires a zero down payment and at least an eight year payoff period (for more detail, see text under caption "Payment Plan" on page 9 of this report).
(10) The requirement that DOF, within 30 days of when a lien is sold, to provide to the Council a description of the disposition of all properties on the initial notification list, has been amended to require the report to be received within 120 days of the lien sale.

(The following is the text of the Fiscal Impact Statement for Int. No. 26-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO 26-A

COMMITTEE: Finance

TITLE: To amend the administrative code of the city of New York, in relation to the sale of tax liens.

SPONSORS: Vann, Comrie, Brewer, James, Mark-Viverito, Arroyo, Williams, Gennaro, Ferreras, Lander, Dickens, Dilan, Gentile, Jackson, Greenfield, Barron, Sanders Jr., Rivera, Levin, Foster, Seabrook, Rose, Eugene, Koslowitz, Chin, Gonzalez, Nelson, Reyna, Rodriguez, Van Bramer, Mealy, Mendez, Ulrich and Koo

SUMMARY OF LEGISLATION: This legislation would amend Local Law 68 of 2007 by reauthorizing the City's ability to sell tax and stand-alone water liens and adds provisions to include other stand-alone municipal charges, Housing Development Fund Corporations (HDFCs) that provide rental housing, and homeowner protections in the lien sale process.

Current Law

Currently, owners of Class One homes (1-, 2- and 3-family homes) and owners of Class Two co-ops and condos must be three years in arrears on property tax to be included in property tax lien sales. Owners of Class One single-family homes are exempt from water and sewer-only lien sales; owners of Class One two- and three-family homes and owners of Class Two co-ops and condos must be at least one (1) year in arrears and $1,000 or more to be included in water and sewer-only lien sales. Owners who are currently exempt from the property tax lien sale include: Class One residential property owners are excluded if receiving a qualifying exemption (Senior Citizens Homeowner Exemption, Disabled Homeowner Exemption, Circuit Breaker); Owners that are exempt from water and sewer lien sale include: all single family homes and 2- and 3-family homes receiving a qualifying exemption. All HDFC buildings are also exempt from lien sales.

This Legislation would maintain the current provisions for real property tax liens. Water and sewer lien sales would continue to exclude single family homes and exclude 2- and 3-family homes if they are receiving a qualifying exemption. The threshold to be included in the tax lien sale would increase for water and sewer liens to 1 year and $2,000 for 2- and 3-family homes, while all other properties would remain at the threshold of 1 year and $1,000. In addition, certain properties receiving an enhanced Veterans Exemption would be excluded from future property tax and water and sewer lien sales, and the legislation would codify the current practice of excluding properties owned by active-duty military personnel.

Stand Alone Charges

This legislation would also authorize the sale of liens placed by the Department of Housing Preservation and Development for Emergency Repair Program (ERP) charges accrued since January 1, 2006 and Alternative Enforcement Program (AEP) expenses and fees when such liens are at least 1 year old and total at least $1,000 Residential Class One properties with the exception of non-owner occupied 3-family homes that are in the AEP program would be excluded.

Housing Development Fund Corporations (HDFCs)

This legislation would allow the inclusion of HDFC rental buildings in lien sales beginning January 1, 2012, with a threshold of 2 years and $5,000. The legislation requires the Commissioner of Housing Preservation Development (HPD) to notify building owners of the Finance commissioner's authority to sell such liens by May 1, 2011. HDFC co-ops or condos would continue to be excluded from lien sales.

Notification Provisions

This legislation codifies the current practice of first-class mail notification to property owners at 90, 60, and 30 days prior to the lien sale date, and adds a 10 day mailing, in addition to the publication at 90 and 10 days before lien sale. In addition, bi-annual (October and January) statements and all lien sale notifications are to include: 1) qualifying exemption information, 2) payment plan availability, 3) ombudsperson contact information, 4) a lien sale process description. Statements and notices must be in Chinese, English, Korean, Russian, or Spanish if requested by owner, or if DOF has reason to believe that is the property owners' primary language. Post-sale notifications are to include contact information for the DEP and DOF ombudsperson.

Eligibility Determination

This legislation would require the City to provide an exemption eligibility checklist to help make homeowners aware of qualifying exemptions that would exclude them from the lien sale. The checklist would be included in any mailing to a delinquent taxpayer, and with all notices to homeowners whose properties have been included in a lien sale notification list. Upon receipt of an eligibility checklist, or other communication indicating possible exemption eligibility of a property owner, DOF must follow prescribed steps to provide the homeowner with application forms for the appropriate exemption. DOF is to provide a list to the Council of property owners who returned an exemption eligibility checklist but not a completed application 30 days prior to the lien sale, and again 30 days after the lien sale. Property owners who have communicated to DOF their possible eligibility prior to the lien sale have 90 days from the lien sale date to submit an exemption application.

Payment Plan

Under current law there are no provisions for payment plans, which are established at the discretion of the Finance and DEP commisioners. The legislation would establish a standard plan for all lien types with no down payment requirement and a minimum 8-year and maximum 10-year repayment period, unless the property owner specifies otherwise. Defaults on a payment plan would bar future payment plan for 5 years, unless the default is cured before lien sale, or the homeowner is able to demonstrate extenuating circumstances, to be defined by rule.

Lien Servicers

This legislation would make the interest rate servicers charge after a lien is sold correspond to Banking Commission rates for delinquent property taxes, adopted annually, and currently 9 percent for properties with assessed value up to $250,000 and 18 percent for properties over $250,000 in assessed value. This legislation would also require an itemization of taxes, interest, and fees on servicer bills and make all fees reasonable and bona fide. The servicer also must include language in all communications regarding: 1) availability of forbearance agreement, 2) explanation of the role of the lien servicer, and 3) servicer and City ombudsperson contact information.

Dispute Process and Monthly Billing

This legislation would require that DOF, DEP, and HPD promulgate by rule a description of their existing processes for disputing the validity of any taxes or charges that are subject to the lien sale. For DOF the dispute status and estimated time of resolving the dispute will be placed on the tax bill. For DEP the dispute status and estimated time of resolution will be accessible in the customer's secure on-line account. In addition, the legislation would mandate that beginning on January 1, 2012 individuals who have entered into a payment plan for delinquent water and sewer charges who have AMR (automated meter reading) will receive a single consolidated bill from DEP for both current and delinquent charges.

Reporting
HPD must provide to the Council within 30 days of when a lien is sold a description of the criteria used to remove properties from the lien sale list at the commissioner's discretion. HPD must also provide the Council with a list whenever liens sold on HDFC rental properties or for ERP and AEP liens result in a foreclosure, a transfer of title, or a new owner of record after the initial lien sale notification

Expiration
The bill expires December 31, 2014.

EFFECTIVE DATE: The bill would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY13
Revenues (+)	$15.5 million	$7.5 million	($0.5 million)
Expenditures (-)	$0.5 million	$0.5 million	$0.5 million
Net	$15 million	$7 million	($1 million)

IMPACT ON REVENUES:
The direct revenue from lien sale as structured under the 2007 legislation averages about $40 million annually, according to OMB. In addition, the lien sale also acts as an incentive to encourage timely payment of City bills, particularly the property tax and water bills, as property owners who do not pay are eventually threatened with possible foreclosure of their property. This has been instrumental in bringing the Property Tax delinquency rate down from 4.8 percent in FY96 to 1.75 percent in FY09. Since OMB continues to carry these revenues in its most recent financial plans, this fiscal impact statement assumes these revenues as baseline and only tracks changes from those baselines.

There are several provisions in Intro 26-A that would have an impact on City revenues. The addition of ERP liens as a stand-alone charge is projected to raise City revenue by $21 million in the initial year (FY11). This amount represents much of the outstanding debt that has accumulated over the past five years from this program that will now be collected. Subsequent years will see revenue from this provision level out at about $3 million annually. This represents enhanced collections of newly accrued ERP charges as a result of their inclusion in lien sales.

Similarly, the inclusion of HDFC rentals in the lien sale will result in additional revenue of $10 million in its initial year of implementation (FY12) as old debt is cleaned out, followed in subsequent years by an expected $2 million annual increase in collections from HDFC rental buildings.

These revenue increases will be slightly offset by revenue decrease from two provisions. The first is the exemption for certain veterans, resulting in about $1 million less in revenue annually. Additionally, keeping the interest rate paid by properties with assessed values of $250,000 or less at 9 percent post lien sale will reduce revenues by an estimated $4.5 million. This represents the lower expected value of bonds backed by sold liens,

since purchasers of liens will anticipate a lower income stream compared to the uniform 18 percent interest rate on all properties under current law.

The payment plan is expected to be revenue neutral. While the lower down payment required will reduce initial income, it is expected that this will be offset by fewer payment plan defaults.

It should be noted that the expansion of the monetary threshold for 2 and 3 family properties to be eligible for a stand-alone water lien will NOT have a fiscal impact on the City's budget. This is because water and sewer bills are paid to the New York City Water Board, which is the independent body that runs the water system. The City registers revenue from the Water Board as a reimbursement for the expense of services the City provides. This impact is expected to be less than $2 million in just the current fiscal year (FY11) on the Water Board's budget.

IMPACT ON EXPENDITURES:
The legislation is expected to incur a small cost on the expense side due to the increased notification and outreach provisions. These costs represent printing, postage costs and increased staffing and total about $500,000 annually. All other provisions in the bill would have no impact as they make use of existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Funds

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget
Department of Environmental Protection
Department Finance
Department of Housing Preservation and Development

ESTIMATE PREPARED BY: Emre Edev, Senior Legislative Financial Analyst
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Latonia Mckinney, Deputy Director
Andrew Grossman, Deputy Director

HISTORY: Introduced by the City Council and referred to the Finance Committee as Intro. 26 on February 3, 2010. On May 6, 2010 an amended version, Proposed Intro. 26-A, was considered by the Committee on Community Development and the Finance Committee on the bill and the bill was laid over. On February 18, 2010 a second amendment had been proposed and was considered by the Committee on Community Development and the Finance Committee and laid over. A third amendment has been proposed and the amended legislation, Proposed Intro. No. 26-A, is scheduled to be voted out of the Finance Committee on March 2, 2011 and by the Full Council on March 2, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 26-A:)

Int. No. 26-A

By Council Members Vann, Comrie, Brewer, James, Mark-Viverito, Arroyo, Williams, Gennaro, Ferreras, Lander, Dickens, Dilan, Gentile, Jackson, Greenfield, Barron, Sanders, Rivera, Levin, Foster, Seabrook, Rose, Eugene, Koslowitz, Chin, Gonzalez, Nelson, Reyna, Rodriguez, Van Bramer, Mealy, Mendez, Wills, Crowley, Palma, Cabrera, Vacca, Ulrich, Koo and Koppell.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

Be it enacted by the Council as follows:

Section 1. Subdivisions a and a-1 of section 11-319 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, are amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class [1] *one* property or on class [2] *two* property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision [1] *one* of section [1802] *eighteen hundred two* of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, *in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars or,* in the case of abandoned class [1] *one* property or abandoned class [2] *two* property that is a residential condominium or residential cooperative, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class [1] *one* that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel ,* or where the owner of such residential real property in class [1] *one* has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class [1] *one* or on any two or three family residential real property in class [1] *one* that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel,* or where the owner of any two or three family residential real property in class [1] *one* has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. A tax lien or tax liens on any property classified as a class [2] *two* property, except a class [2] *two* property that is a residential condominium or residential cooperative, *or a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative,* or class [3] *three* property, as such classes of property are defined in subdivision [1] *one* of section [1802] *eighteen hundred two* of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class [4] *four* property, as such class of property is defined in subdivision [1] *one* of section [1802] *eighteen hundred two* of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component *or*

emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component [or], water rents component *or emergency repair charges component*. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class [1] *one* property or class [2] *two* property that is a residential condominium or residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, *or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for two years, and equals or exceeds the sum of five thousand dollars,* any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

a-1. A subsequent tax lien or tax liens on a property or any component of the amount thereof may be sold by the city pursuant to this chapter, provided, however, that notwithstanding any provision in this chapter to the contrary, such tax lien or tax liens may be sold regardless of whether such tax lien or tax liens have remained unpaid in whole or in part for one year and, notwithstanding any provision in this chapter to the contrary, in the case of any class [1] *one* property or class [2] *two* property that is a residential condominium or residential cooperative *or, beginning January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative*, such tax lien or tax liens may be sold if the real property tax component of such tax lien or tax liens has remained unpaid in whole or in part for one year, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class [1] *one* that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel,* or where the owner of such residential real property in class [1] *one* has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class [1] *one* or on any two or three family residential real property in class [1] *one* that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel,* or where the owner of any two or three family residential real property in class [1] *one* has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. For purposes of this subdivision, the term "subsequent tax lien or tax liens" shall mean any tax lien or tax liens on property that become such on or after the date of sale of any tax lien or tax liens on such property that have been sold pursuant to this chapter, provided that the prior tax lien or tax liens remain unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien or tax liens. A subsequent tax lien or tax liens on any property classified as a class [2] *two* property, except a class [2] *two* property that is a residential condominium or residential cooperative*, or a class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative*, or class [3] *three* property, as such classes of property are defined in subdivision [1] *one* of section [1802] *eighteen hundred two* of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A subsequent tax lien or tax liens on a property classified as a class [4] *four* property, as such class of property is defined in subdivision [1] *one* of section [1802] *eighteen hundred two* of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component *or emergency repair charges component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code,* as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component [or], water rents component *or emergency repair charges component*. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 2. Subdivisions a-2 and a-3 of section 11-319 of the administrative code of the city of New York, as added by local law number 68 for the year 2007, are amended to read as follows:

a-2. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on December first, two thousand seven, the water rents, sewer rents and sewer surcharges components of any tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such water rents, sewer rents or sewer surcharges component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for one year and (ii) equals or exceeds the sum of one thousand dollars *or, beginning on March first, two thousand eleven, in the case of any two or three family residential real property in class one, for one year, and equals or exceeds the sum of two thousand dollars, or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars*; provided, however, that such water rents, sewer rents or sewer surcharges component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel,* or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such water rents, sewer rents or sewer surcharges component of such tax lien may be transferred in the manner provided by this chapter.

a-3. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on December first, two thousand seven, a subsequent tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of one thousand dollars *or beginning on March first, two thousand eleven, in the case of any two or three family residential real property in class one, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of two thousand dollars, or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for two years, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of five thousand dollars*; provided, however, that such subsequent tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, *or*

pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the water rents, sewer rents or sewer surcharges component of any tax lien on property that becomes such on or after the date of sale of any water rents, sewer rents or sewer surcharges component of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 3. Section 11-319 of the administrative code of the city of New York is amended by adding new subdivisions a-4 and a-5 to read as follows:

a-4. In addition to any sale authorized pursuant to subdivision a, a-1, a-2 or a-3 of this section and notwithstanding any provision of this chapter to the contrary, beginning on March first, two thousand eleven, the emergency repair charges component or alternative enforcement expenses and fees component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, or where such alternative enforcement expenses and fees are made a lien pursuant to section 27-2153 of this code, of any tax lien on any class of real property, as such real property is defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for one year, and (ii) equals or exceeds the sum of one thousand dollars or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars; provided, however, that such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien may not be sold pursuant to this subdivision on any one, two or three family residential real property in class one, except a three family residential property in class one where such property is subject to the provisions of section 27-2153 of this code and is not the primary residence of the owner. After such sale, any such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien may be transferred in the manner provided by this chapter.

a-5. In addition to any sale authorized pursuant to subdivision a, a-1, a-2 or a-3 of this section and notwithstanding any provision of this chapter to the contrary, beginning on March first, two thousand eleven, a subsequent tax lien on any class of real property, or beginning on January first, two thousand twelve in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative, a subsequent tax lien on such property, may be sold by the city pursuant to this chapter, regardless of the length of time such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid, and regardless of the amount of such subsequent tax lien. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the emergency repair charges component or alternative enforcement expenses and fees component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, or where such alternative enforcement expenses and fees are made a lien pursuant to section 27-2153 of this code, of any tax lien on property that becomes such on or after the date of sale of any emergency repair charges component or alternative enforcement expenses and fees component, of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 4. The opening paragraph of subdivision b of section 11-319 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, is amended to read as follows:

The commissioner of finance, on behalf of the city, may sell tax liens, either individually, in combinations, or in the aggregate, pursuant to the procedures provided herein. The commissioner of finance shall establish the terms and conditions of a sale of a tax lien or tax liens. [Enactment of the local law that added this sentence shall be deemed to constitute authorization by the council for the commissioner of finance to conduct a sale or sales of tax liens through and including December thirty-first, two thousand ten. Subsequent to December thirty-first, two thousand ten, the city shall not have the authority to sell tax liens.] *Enactment of the local law that added this sentence shall be deemed to constitute authorization by the council for the commissioner of finance to conduct a sale or sales of tax liens through and including December thirty-first, two thousand fourteen. Subsequent to December thirty-first, two thousand fourteen, the city shall not have the authority to sell tax liens.*

§ 5. Paragraphs 6 and 9 of subdivision b of section 11-319 of the administrative code of the city of New York, as added by local law number 26 for the year 1996, are amended to read as follows:

6. [The rate of interest on any tax lien certificate shall be the rate fixed pursuant to section 11-224(g) of the code on the effective date of the local law that added this sentence.] *The rate of interest on any tax lien certificate shall be the rate adopted for nonpayment of taxes on real property pursuant to subdivision (e) of section 11-224.1 of this title on the effective date of the local law that added this sentence.*

9. The commissioner of finance may establish requirements for a purchaser of a tax lien to provide any information and documents that the commissioner of finance deems necessary, including information concerning the collection and enforcement of tax liens. *The commissioner of finance shall require the purchaser of a tax lien to provide the owner of property on which a tax lien has been sold pursuant to this chapter a detailed itemization of taxes, interest, surcharges, and fees charged to such owner on all tax lien statements of amounts due or bill of charges. Such fees shall be bona fide, reasonable and, in the case of attorney fees, customary.*

§ 6. Paragraph 10 of subdivision b of section 11-319 of the administrative code of the city of New York, as added by local law number 98 for the year 1997, is amended to read as follows:

10. [Any] *(i) Before January first, two thousand twelve, any* tax lien or tax liens *that are sold pursuant to this chapter* on property owned by a company organized pursuant to article XI of the state private housing finance law [with the consent and approval of the department of housing preservation and development that are sold pursuant to this chapter] shall be deemed defective. *On and after January first, two thousand twelve, any tax lien or tax liens that are sold pursuant to this chapter on any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is a residential condominium or residential cooperative, shall be deemed defective.* For the purposes of this paragraph, property owned by such company shall be limited to property owned for the purpose, as set forth in section five hundred seventy-one of the state private housing finance law, of providing housing for families and persons of low income.

(ii) No later than May first, two thousand eleven, the commissioner of finance, in consultation with the commissioner of housing preservation and development, shall notify by mail any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or residential cooperative, of the authority of the commissioner of finance to sell the tax liens on such property. Such notification shall include information relating to the lien sale process, including, but not limited to, actions homeowners can take if a lien is sold on such property; the type of debt that can be sold in a lien sale; a timeline of statutory notifications required pursuant to section 11-320 of this chapter; a clear, concise explanation of the consequences of the sale of a tax lien; the telephone number and electronic mail address of the employee or employees designated pursuant to subdivision f of section 11-320 of this chapter; a conspicuous statement that the owner of the property may enter into a payment plan for exclusion from the tax lien sale; and credits and property tax exemptions that may exclude a property from a tax lien sale and any other credit or residential real property tax exemption information, which, in the discretion of the commissioner, should be included in such notification.

Upon such property owner's written request, or verbal request to 311 or any employee designated pursuant to subdivision f of section 11-320 of this chapter, a Chinese, Korean, Russian or Spanish translation of such notice shall be provided promptly to such property owner.

§ 7. Subdivision b of section 11-319 of the administrative code of the city of New York is amended by adding a new paragraph 11 to read as follows:

11. No later than September first, two thousand eleven, the appropriate agency shall promulgate rules identifying or describing any existing procedures governing challenges to the validity of any real property tax, sewer rent, sewer surcharge, water rent, emergency repair charge or alternative enforcement expense or fee.

§ 8. Subdivisions b, c, and d of section 11-320 of the administrative code of the city of New York, subdivisions b and d as added and subdivision c as amended by local law number 26 for the year 1996, are amended to read as follows:

b. *1.* A tax lien shall not be sold unless the commissioner of finance, or his or her designee, notifies the owner of record at the address of record and any other person who has registered pursuant to section 11-309 of this chapter, or pursuant to section 11-416 or 11-417 of this [code] *title*, by first class mail, of the intention to sell the tax lien. If no such registrations have been filed then such commissioner, or his or her designee, shall notify the person whose name and address, if any, appears in the latest annual record of assessed valuations, by first class mail, of the intention to sell the tax lien. Such mailed notice shall include a description of the property by block and lot and such other identifying information as the commissioner of finance may deem appropriate, the amount of the tax lien, including all taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, *as well as an estimate of* the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable on the date specified in such publication, a surcharge pursuant to section 11-332 of this chapter if the tax lien is sold, and interest and penalties thereon, and shall be mailed to such owner and such other persons *four times:* not

less than *ninety, sixty,* thirty *and ten* days prior to the date of sale. Such notice shall state that if default continues to be made in payment of the amounts due on such property, the tax lien on such property shall be sold as provided in section 11-319 of this chapter. If, notwithstanding such notice, the owner shall continue to refuse or neglect to pay the amounts due on such property, the commissioner of finance may sell the tax lien on such property as provided in section 11-319 of this chapter.

2. (i) Such notices shall also include, with respect to any property owner in class one or class two, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, an exemption eligibility checklist. Within ten business days of receipt of a completed exemption eligibility checklist from such property owner, provided that such receipt occurs prior to the date of sale of any tax lien or tax liens on his or her property, the department of finance shall review such checklist to determine, based on the information provided by the property owner, whether such property owner could be eligible for any exemption, credit or other benefit that would entitle them to be excluded from a tax lien sale and, if the department determines that such property owner could be eligible for any such exemption, credit or other benefit, shall mail such property owner an application for the appropriate exemption, credit or other benefit. If, within twenty business days of the date the department mailed such application, the department has not received a completed application from such property owner, the department shall mail such property owner a second application, and shall telephone the property owner, if the property owner has included his or her telephone number on the exemption eligibility checklist.

(ii) Any such property owner who returns to the department of finance a completed exemption eligibility checklist prior to the date of sale of any tax lien or tax liens on his or her property and who subsequently submits a completed application for the appropriate exemption, credit or other benefit either prior to, on or up to ninety days after such sale, shall have his or her application reviewed by the department of finance. If, prior to the date of sale, the department of finance determines that such property owner is qualified for such exemption, credit or other benefit or will be qualified as of the date of sale, then the tax lien or tax liens on his or her property shall not be sold on such date. If, on or after the date of sale, the department of finance determines that such property owner is or was qualified for such exemption, credit or other benefit as of the date of sale, then any tax lien or tax liens on his or her property that were sold shall be deemed defective.

(iii) Not later than thirty days prior to such date of sale, the department of finance shall submit to the council a list, disaggregated by council district, of all properties for which property owners returned a completed eligibility checklist to the department of finance at least thirty-five days prior to the date of sale, but for which property owners have not yet submitted a completed application for the appropriate exemption, credit or other benefit.

(iv) Not later than thirty days after such date of sale, the department of finance shall submit to the council a list, disaggregated by council district, of all properties for which property owners returned a completed eligibility checklist to the department of finance prior to the date of sale, but for which property owners have not yet submitted a completed application for the appropriate exemption, credit or other benefit.

(v) Upon the written or verbal request of such property owner, the department of finance shall provide prompt assistance to such property owner in completing an application for the appropriate exemption, credit or other benefit.

3. The notice provided not less than ninety days prior to the date of sale shall also include information relating to the lien sale process, including, but not limited to, actions homeowners can take if a lien is sold on such property; the type of debt that can be sold in a lien sale; a timeline of statutory notifications required pursuant to this section; a clear, concise explanation of the consequences of the sale of a tax lien; the telephone number and electronic mail address of the employee or employees designated pursuant to subdivision f of this section; a conspicuous statement that the owner of the property may enter into a payment plan for exclusion from the tax lien sale; and credits and property tax exemptions that may exclude certain class one real property from a tax lien sale. Such notice shall also include information on the following real property tax exemptions, credit or other benefit:

(i) the senior citizen homeowner exemption pursuant to section 11-245.3 of this title;

(ii) the exemption for persons with disabilities pursuant to section 11-245.4 of this title;

(iii) the exemption for veterans pursuant to section four hundred fifty-eight of the real property tax law, with respect to real property purchased with payments received as prisoner of war compensation from the United States government;

(iv) the exemption for veterans pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law;

(v) the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and

(vi) the active duty military personnel benefit pursuant to department of finance memorandum 05-3, or any successor memorandum thereto.

Upon such property owner's written request, or verbal request to 311 or any employee designated pursuant to subdivision f of this section, a Chinese, Korean, Russian or Spanish translation of such notice shall be provided promptly to such property owner.

c. Such [notice] *notices* shall advise the owner of such property of his or her continued obligation to pay the amounts due on such property. No other [notice] *notices* or [demand] *demands* shall be required to be made to the owner of such property to authorize the sale of a tax lien or tax liens on such property pursuant to section 11-319 of this chapter.

d. *1.* The commissioner of finance or his or her designee shall, within ninety days after the delivery of the tax lien certificate, notify any person who was required to be notified of such sale pursuant to section 11-320(b) of this chapter, by first class mail, that such sale has occurred. Such notice shall state the date of the sale of the tax lien, the name and address of the purchaser of the tax lien, the amount of such lien, a description of the property by block and lot and such other identifying information as the commissioner of finance or his or her designee shall deem appropriate, and the terms and conditions of the tax lien certificate, including the right to satisfy the lien within the time periods specified in this chapter. *Such notice shall also include the telephone number and electronic mail address of the employee or employees designated pursuant to subdivision f of this section.*

2. Any written communication from the purchaser of the tax lien or liens to an owner of property, on which a tax lien has been sold pursuant to the provisions of this chapter, shall include the following information:

(i) an explanation of the roles of the purchaser of the tax lien and the employee or employees designated pursuant to subdivision f of this section;

(ii) the names and contact information, including the telephone number, electronic mail and mailing addresses of such persons; and

(iii) a statement informing such owner that he or she may be eligible to enter into a forbearance agreement with the purchaser of such tax lien.

3. The requirement to send such written communication shall be subject to federal, state and local debt collection laws.

4. Failure to provide notice pursuant to this subdivision shall not affect the validity of any sale of a tax lien or tax liens pursuant to this chapter.

§ 9. Section 11-320 of the administrative code of the city of New York is amended by adding new subdivisions g and h to read as follows:

g. No later than one hundred twenty days after the tax lien sale, the commissioner of finance shall submit to the council a list of all properties, identified by block and lot, noticed for sale pursuant to subdivision b of this section. Such list shall also include a description of the disposition of such properties that shall include, but not be limited to, whether an owner entered into a payment plan with the city pursuant to section 11-322 of this chapter, whether an owner satisfied the tax lien or liens, whether ownership of the property was transferred, provided that such information is available to the city, or whether the property was distressed, as defined in subdivision four of section 11-401 of this title, or removed from the sale pursuant to the discretion of the commissioner of the department of housing preservation and development.

h. 1. On a quarterly basis, a purchaser of tax liens shall provide to the council a list of all properties on which tax liens have been sold where, subsequent to such sale, there has been a transfer of ownership of the property, provided that a purchaser of tax liens has knowledge of such transfers, for the following groups:

(i) all properties on which liens for emergency repair charges or alternative enforcement expenses and fees have been sold to such purchaser pursuant to subdivision a-4 of section 11-319 of this title; and

(ii) all class two residential property owned by a company organized pursuant to article XI of the state private housing finance law that is not a residential condominium or a residential cooperative on which any tax lien has been sold pursuant to subdivision a, a-2 or a-4 of section 11-319 of this title.

2. When available, a purchaser of tax liens shall include the names and contact information of the new owners of record of such properties.

§ 10. Section 11-322 of the administrative code of the city of New York, as amended by local law number 26 for the year 1996, is amended to read as follows:

§ 11-322 Postponement or cancellation of sales*; installment agreements. a.* It shall be lawful for the commissioner of finance, or his or her designee, to postpone or cancel any proposed sale of a tax lien or tax liens on property that shall have been advertised and noticed for sale prior to the date of sale. For purposes of this section, the words, "date of sale" shall have the same meaning provided in section 11-320(e) of this chapter. The city shall not be liable for any damages as a result of cancellation or postponement of a proposed sale of a tax lien or tax liens, nor shall any cause of action arise from such cancellation or postponement.

b. In accordance with rules promulgated by the commissioners of finance and environmental protection, a property owner may enter into agreements with the departments of finance and environmental protection for the payment in installments of any delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter. The proposed sale of a tax lien or tax liens on property shall be cancelled when a property owner enters into an agreement with the respective agency for the payment of any such lien. Such rules shall also provide that such property owners be given information regarding eligibility for real property tax exemption programs prior to entering into such agreements.

1. If payments required from a property owner pursuant to such an agreement are not made for a period of six months, such property owner shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such property owner's bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of sale. If such default is not cured prior to the date of sale, such property owner shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the department that entered into the installment agreement with the property owner.

2. An installment agreement shall provide for payments by the property owner on a quarterly or monthly basis, in the discretion of the appropriate commissioner, for a period not less than eight years and not more than ten years, provided that a property owner may elect a period less than eight years. There shall be no down payment required upon the property owner's entering into the installment agreement

with the respective department, but the property owner may elect to make a down payment.

3. Beginning January first, two thousand twelve, any property owner who has entered into an installment agreement with the commissioner of environmental protection pursuant to this subdivision and who has automated meter reading shall receive a consolidated monthly bill for current sewer rents, sewer surcharges and water rents and any payment due under such installment agreement.

4. No later than September first, two thousand eleven, the commissioners of finance and environmental protection shall promulgate rules governing installment agreements, including but not limited to, the terms and conditions of such agreements, the payment schedules, and the definition and consequences of default.

§ 11. Subdivision a of section 11-245.8 of the administrative code of the city of New York, as added by local law number 9 for the year 2006, is amended to read as follows:

a. [The department shall mail to the owners of all class one properties and class two residential properties held in the condominium form of ownership, notice, each year, of the availability of the following residential real property tax exemptions:

1. the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;

2. the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;

3. the alternate exemption for veterans pursuant to section four hundred fifty-eight-a of the real property tax law;

4. the exemption for gold star parents pursuant to section 11-245.7 of this chapter;

5. the school tax relief (STAR) exemption pursuant to section four hundred twenty-five of the real property tax law; and

6. any other residential real property tax exemption which, in the discretion of the commissioner, should be included in such notification.]

The commissioner of finance or his or her designee, shall provide a notice relating to the lien sale process to all property owners, included with the notice of value sent to property owners by the department of finance pursuant to section 1511 of the New York city charter and, in addition, no later than October thirty-first of each year, to any property owner who is delinquent in the payment of any real property taxes, assessments, or any other charges that are made a lien subject to the provisions of chapter three of this title, except sewer rents, sewer charges and water rents, if such delinquency, in the aggregate, equals or exceeds the sum of one thousand dollars. This notice shall include, but not be limited to, actions homeowners can take if a lien is sold on such property; the type of debt that can be sold in a lien sale; a timeline of statutory notifications required pursuant to section 11-320 of this title; a clear, concise explanation of the consequences of the sale of a tax lien; the telephone number and electronic mail address of the employee or employees designated pursuant to subdivision f of section 11-320 this title; a conspicuous statement that an owner of any class of property may enter into a payment plan for the satisfaction of delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, and any other charges that are made a lien subject to the provisions of chapter three of this title, or exclusion from the tax lien sale; and credits and property tax exemptions that may exclude certain class one real property from a tax lien sale. Such notice shall also include information on the following real property tax credits or real property tax exemptions:

1. the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;

2. the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;

3. the exemptions for veterans pursuant to sections four hundred fifty-eight and four hundred fifty eight-a of the real property tax law;

4. the school tax relief (STAR) exemption pursuant to section four hundred twenty-five of the real property tax law;

5. the enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;

6. the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and

7. any other credit or residential real property tax exemption, which, in the discretion of the commissioner, should be included in such notice.

Upon such property owner's written request, or verbal request to 311 or any employee designated pursuant to subdivision f of section 11-320 of this title, a Chinese, Korean, Russian or Spanish translation of such notice shall be provided promptly to such property owner.

§ 12. This local law shall take effect immediately.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A.BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBEWRT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 2, 2011.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 26-A:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to the sale of tax liens.

Given under my hand and seal this 2nd day of March, 2011 at City Hall in the City of New York.

_____
Michael R. Bloomberg
Mayor

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 Housing and Buildings

Report for Int. No. 291-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 29, 2010 (Minutes, page 2559), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On March 2, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 291-A, "A Local Law to amend the administrative code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water." On February 8, 2011, the Committee heard an earlier version of this bill and received testimony from representatives of the Department of Housing Preservation and Development (HPD) and other persons interested in the legislation.

In accordance with the Housing Maintenance Code (HMC) and the state Multiple Dwelling Law, landlords are required to provide a certain amount of heat and hot water to all tenants of multiple dwellings and to every tenant-occupied one- or two- family dwelling.[1] Hot water must be provided 365 days per year between the hours of 6 a.m. and midnight at a constant temperature of 120 degrees Fahrenheit.[2] Heat must be provided from October 1 through May 31 during a period designated as the "Heat Season."

During the Heat Season, between the hours of 6 a.m. and 10 p.m., if the temperature outside falls below 55 degrees Fahrenheit then the inside temperature in dwelling units must be at least 68 degrees Fahrenheit. Between the hours of 10 p.m. and 6 a.m., if the temperature outside falls below 40 degrees, the inside temperature in dwelling units is required to be at least 55 degrees Fahrenheit.[3]

According to the Mayor's Management Report, the City's 311 Citizen Service Center received 114,009 heat and hot water complaints from tenants in Fiscal Year 2010 and 128,708 in FY 2009.[4] When the City receives such a complaint, HPD staff will attempt to contact the building's owner or managing agent in an effort to have the owner of the building restore heat and/or hot water services. Before an HPD inspector is dispatched to the building, HPD will call the complaining tenant to determine whether service has been restored. If service has not been restored, an HPD inspector is dispatched to the building to verify the complaint and issue the appropriate violation. HPD issued 12,436 heat and hot water violations in FY 2010 and 15,727 in FY 2009.[5] In cases where heat or hot water services have been discontinued and HPD cannot reach the owner or the owner fails to restore service after a violation has been issued, HPD may use its Emergency Repair Program to undertake the repairs necessary to provide tenants with heat or hot water or purchase fuel if that is the problem.[6]

When the landlord of a multiple dwelling fails to pay gas, electric, steam or water utilities and the utility company threatens to turn off service for lack of payment, advanced written notice of fifteen days must be provided by the company to tenants and certain government agencies.[7] Service may not be discontinued if residents pay the landlord's bill directly to the utility company.[8]

The HMC currently provides that landlords who violate section 27-2028 (central heating system requirements), subdivision (a) of section 27-2029 (minimum indoor temperature requirements during heat season), section 27-2031 (hot water requirements), or section 27-2032 (standards established for the use of gas-fueled, electric space, or water heaters instead of a central heat system) are subject to a civil penalty of not less than two hundred fifty nor more than five hundred dollars per day for each violation until the date the violation is corrected, and not less than five hundred nor more than one thousand dollars per day for each subsequent violation at the same private dwelling or multiple dwelling during the same calendar year, or with respect to subsequent violations of subdivision (a) of section 27-2029, during the same Heat Season.[9]

Proposed Int. No. 291-A

Bill section one amends, the HMC, paragraph (1) of section 27-2115 to provide that a landlord may be subject to the higher civil penalty of $500-$1,000 for subsequent violations of sections 27-2028, 27-2029(a), 27-2031 or 27-2032 that occur within two consecutive calendar years or, with respect to subsequent violations of section 27-2029(a), that occur during two consecutive periods of October 1 through May 31, not just violations that occur within the same calendar year or Heat Season.

Bill section two amends paragraph three of subdivision (k) of section 27-2115 to establish a new defense to subsequent violations related to failing to provide adequate heat and hot water and would allow a landlord to show where the violations occurred in consecutive calendar years or Heat Seasons, documentation of prompt and diligent efforts to correct the conditions that gave rise to an initial violation and that the conditions were corrected. Where the landlord is successful in making such demonstration, the court may impose a penalty of $250-$500 rather than the higher penalty range ($500-$1000) for subsequent violations. However, this new defense may not be used where the initial and subsequent violations occurred in the same calendar year or Heat Season.

Bill section three contains the enactment clause and provides that this local law would take effect on October 1, 2011 (the start of the next Heat Season), except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Amendments to Int. No. 291

- Technical changes were made to correct inaccurate references.
- Bill section one was amended to clarify that subsequent violations of subdivision a of section 27-2029 will be measured over two consecutive periods of October 1 through May 31 rather than October 1 through May 31 over a two-year period.
- Bill section two now amends paragraph three of subdivision (k) of section 27-2115 to create a new defense to subsequent violations related to failing to provide adequate heat and hot water and would allow a landlord to show where the violations occurred in consecutive calendar years or Heat Seasons, documentation of prompt and diligent efforts to correct the conditions that gave rise to an initial violation and that the conditions were corrected. Where the landlord is successful in making such demonstration, the court may impose a penalty of $250-$500 rather than a penalty within the higher penalty range ($500-$1000) for subsequent violations. However, this new defense may not be used where the initial and subsequent violations occurred in the same calendar year or Heat Season.
- Bill section three now contains the enactment clause and provides that this local law will take effect on October 1, 2011 rather than immediately upon enactment.

[1] Administrative Code §§27-2028, 27-2029 and 27-2031. Multiple Dwelling Law §79.

[2] Administrative Code §27-2031.

[3] Administrative Code §§27-208 and 27-209. Multiple Dwelling Law §79.

[4] The Mayor's Management Report Fiscal 2010, pg. 82. Available online at: http://www.nyc.gov/html/ops/downloads/pdf/2010_mmr/0910_mmr.pdf

[5] *Id.* at pg. 83.

[6] http://www.nyc.gov/html/hpd/html/tenants/heat-and-hot-water.shtml

[7] Public Service Law §33.

[8] *Id.* According to Real Property Law §235-a, any payments made by residents to utility companies in an effort to avoid the discontinuation of services may be deducted from any future payment of rent by such residents.[1] If a landlord's failure to pay utility bills results in the discontinuation of gas, electric, steam, or water services then such landlord is liable for compensatory and punitive damages to any tenant whose service is disconnected.

[9] Administrative Code §27-2115(k)(1).

(The following is the text of the Fiscal Impact Statement for Int. No. 291-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO 291-A

COMMITTEE: Housing & Buildings

TITLE: To amend the administrative code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

SPONSORS: The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Lander, Mealy, Foster, Vann, Rodriguez, Garodnick, Williams, Weprin, Mendez, Levin, Mark-Viverito, Lappin, Sanders Jr., Rose, Palma, James, Van Bramer, Ferreras, Dromm, Jackson, Cabrera, Gonzalez, Arroyo, Gentile, Reyna and Barron

SUMMARY OF LEGISLATION: This legislation would amend the Housing Maintenance Code (HMC) by subjecting a landlord to the higher civil penalty range of $500-$1000 for subsequent violations related to failing to provide adequate heat and hot water when these violations occur within two consecutive calendar years or Heat Seasons. Currently landlords are required by law to provide heat from October 1 through May 31 (Heat Season) and hot water year-round. The initial civil penalty range for violating these laws is from $250-$500 per day for each violation until the date the violation is corrected. For subsequent violations during the same calendar year or Heat Season, the civil penalty range is from $500-$1,000 per day for each violation. This legislation would amend the HMC by providing that subsequent violations will be measured over two consecutive calendar years or Heat Seasons rather than only measuring such violations during one calendar year or Heat Season. In addition, this legislation would establish a new defense for landlords who have subsequent violations related to failing to provide adequate heat and hot water and would allow a landlord to show where the violations occurred in consecutive calendar years or Heat Seasons, documentation of prompt and diligent efforts to correct the conditions that caused the initial violation and that the conditions were corrected. If successfully demonstrated, the subsequent violation would be treated as an initial violation subject to the penalty range of $250-$500 per day until the date the violation is corrected.

EFFECTIVE DATE: This local law shall take effect on October 1, 2011, except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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

Intro 291-A Page 1

FISCAL IMPACT STATEMENT:

	Effective FY11	FY Succeeding Effective FY12	Full Fiscal Impact FY12
Revenues (+)	$0	$0	$0
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: No impact on revenues

IMPACT ON EXPENDITURES: The amendments to this legislation will only impose small technical changes to the way the Department of Housing Preservation and Development (HPD) enforces heat and hot water violations, thereby allowing the agency to absorb these changes with existing budgetary resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: N/A

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director
Anthony Brito, Senior Legislative Financial Analyst

HISTORY: Introduced by the City Council and referred to Housing and Buildings Committee as Intro. 291 on June 29, 2010. On February 8, 2011 a hearing was held on the bill and the bill was laid over. An amendment has been proposed, and the amended legislation, Proposed Intro. No. 291-A is scheduled to be voted out of the Housing and Building Committee on March 2, 2011 and by the Full Council on March 2, 2011.

Intro 291-A Page 2

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 291-A:)

Int. No. 291-A

By The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Lander, Mealy, Foster, Vann, Rodriguez, Garodnick, Williams, Weprin, Mendez, Levin, Mark-Viverito, Lappin, Sanders, Rose, Palma, James, Van Bramer, Ferreras, Dromm, Jackson, Cabrera, Gonzalez, Arroyo, Gentile, Reyna, Barron, Vacca, Koslowitz, Koppell, Wills, Gennaro and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

Be it enacted by the Council as follows:

Section 1. Paragraph one of subdivision k of section 27-2115 of the administrative code of the city of New York, is amended to read as follows:

(k) (1) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of article eight of subchapter two of this chapter shall be subject to a civil penalty of not less than two hundred fifty nor more than five hundred dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two *of this subdivision* until the date the violation is corrected and not less than five hundred nor more than one thousand dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling [during the same calendar year] *that occurs within two consecutive calendar years* or, in the case of subdivision a of section 27-2029, during [the same period] *two consecutive periods* of October first through May thirty-first. A person who violates subdivision b of section 27-2029 of [article eight of subchapter two of] this chapter shall be subject to a civil penalty of twenty-five dollars per day from and including the date the notice is affixed pursuant to paragraph two *of this subdivision* until the date the violation is corrected but [no] *not* less than one thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

§2. Paragraph three of subdivision k of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(3) Notwithstanding any other provision of law, the owner shall be responsible for the correction of all violations placed pursuant to article eight of subchapter two of this code, but in an action for civil penalties pursuant to this article may in defense or mitigation of such owner's liability for civil penalties show:

(i) That the condition which constitutes the violation did not exist at the time the violation was placed; or

(ii) That he or she began to correct the condition which constitutes the violation promptly upon discovering it but that full correction could not be completed expeditiously because of technical difficulties, inability to obtain necessary materials, funds or labor, or inability to gain access to the dwelling unit wherein the violation occurs, or such other portion of the building as might be necessary to make the repair; or

(iii) That he or she was unable to obtain a permit or license necessary to correct the violation, provided that diligent and prompt application was made therefor; or

(iv) That the violation giving rise to the action was caused by the act or negligence, neglect or abuse of another not in the employ or subject to the direction of the owner[.]*; or*

(v) That in addition to any other defense or mitigation set forth in subparagraphs (i) through (iv) of this paragraph, with respect to an owner who may be subject to the penalty of not less than five hundred nor more than one thousand dollars per day with respect to a subsequent violation pursuant to paragraph one of this subdivision, documentation of prompt and diligent efforts to correct the conditions that gave rise to an initial violation and that such conditions were corrected. Where demonstrated, such subsequent violation shall be treated as though it was an initial violation. However, this defense or mitigation may not be asserted or demonstrated where the initial and subsequent violations occurred in the same calendar year or, in the case of violations of subdivision a of section 27-2029, during the same period of October first through May thirty-first.

§3. This local law shall take effect on October 1, 2011, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO, Committee on Housing and Buildings, March 2, 2011.

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

Reports of the Committee on Land Use

Report for L.U. No. 316

Report of the Committee on Land Use in favor of disapproving Application no. 20115231 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sol's Restaurant, Inc., d/b/a Il Sole, to continue to maintain and operate an unenclosed sidewalk café located at 233 Dyckman Street, Borough of Manhattan, Council District no. 7. 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 February 2, 2011 (Minutes, page 292), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12 **20115231 TCM**

Application submitted by the New York City Department of Consumer Affairs pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sol's Restaurant, Inc., d/b/a IL Sole, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 233 Dyckman Street.

INTENT

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

PUBLIC HEARING

DATE: February 28, 2011

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: February 28, 2011

The Subcommittee recommends that the Committee disapprove the Petition.

In Favor:	**Against:**	**Abstain:**
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Seabrook		
Vann		
Gonzalez		
Palma		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Contd.		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, LARRY B. SEAB ROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 1, 2011.

Laid Over by the Council.

Report for L.U. No. 317

Report of the Committee on Land Use in favor of approving Application no. 20115165 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Marlow, Inc., d/b/a Diner, to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway, 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 292), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 **20115165 TCK**

Application submitted by the New York City Department of Consumer Affairs pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Marlow, Inc., d/b/a Diner, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway.

INTENT

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

PUBLIC HEARING

DATE: February 28, 2011

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

SUBCOMMITTEE RECOMMENDATION

DATE: February 28, 2011

The Subcommittee recommends that the Committee approve the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Seabrook		
Vann		
Gonzalez		
Palma		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Cont'd		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 695

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 85 Broadway, Borough of Brooklyn (20115165 TCK; L.U. No. 317).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 20, 2011 its approval dated January 20, 2011 of the petition of Marlow, Inc., d/b/a Diner, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway, Community District 1, Borough of Brooklyn (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 February 28, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, LARRY B. SEAB ROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 1, 2011.

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. 318

Report of the Committee on Land Use in favor of approving Application no. 20115294 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Agora, Inc., d/b/a Barberry, to continue to maintain and operate an unenclosed sidewalk café located at 152 metropolitan 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 292), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 20115294 TCK

Application submitted by the New York City Department of Consumer Affairs pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Agora, Inc., d/b/a Barberry, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 152 Metropolitan Avenue.

INTENT

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

PUBLIC HEARING

DATE: February 28, 2011

Witnesses in Favor: Two Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: February 28, 2011

The Subcommittee recommends that the Committee approve the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Seabrook		
Vann		
Garodnick		
Lappin		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: March 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Seabrook		
Vann		
Gonzalez		
Palma		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Cont'd		
Levin		
Weprin		
Williams		
Ignizio		
Koo		

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

Res. No. 696

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 152 Metropolitan Avenue, Borough of Brooklyn (20115294 TCK; L.U. No. 318).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 20, 2011 its approval dated January 20, 2011 of the petition of Agora, Inc., d/b/a Barberry, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 152 Metropolitan Avenue, Community District 1, Borough of Brooklyn (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 February 28, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, LARRY B. SEAB ROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, March 1, 2011.

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 Rules, Privileges and Elections

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

Report for M-405

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Frank V. Carone as a Member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 2, 2011, respectfully

REPORTS:

***New York City Taxi and Limousine Commission – (Candidates for appointment upon advice and consent review by the Council*)**

- **Frank V. Carone [Preconsidered M-405]**
- **Nora Constance Marino [Preconsidered M-406]**

The New York City Taxi and Limousine Commission ("TLC") was created pursuant to Local Law 12 of 1971. Section 2300 of Chapter 65 of the *New York City Charter* ("*Charter*") states that there shall be a TLC, the purposes of which shall be, *inter alia*, the "continuance, further development and improvement of taxi and limousine service in the City. It shall be the further purpose of the [TLC], consonant with the promotion and protection of the public comfort and convenience, to adopt and establish an overall public transportation policy governing taxi, coach, limousine and wheelchair accessible van services as it relates to the overall public transportation network of the City." The TLC is also responsible for establishing certain rates, standards and criteria for the licensing of vehicles, drivers and chauffeurs, owners and operators engaged in such services, and for providing "authorization" to persons to operate commuter van services within the City. [*Rules of the City of New York*, Title 35, § 9-02.]

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the New York City Council. Five of said members, one resident from each of the five boroughs of the City, are recommended for appointment by a majority vote of the Council Members of the respective borough. TLC members are appointed for terms of seven years, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur at the expiration of a term, shall be filled for the unexpired term. The Mayor may remove any such member for cause, upon stated charges.

The Mayor designates one member of the TLC to act as the Chairperson and Chief Executive Officer. The Chairperson shall have charge of the organization of his/her office and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and, as such, receive compensation as set by the Mayor. The Chair currently receives

$192,198.00 annually. Other members of the TLC are not entitled to compensation.

Pursuant to the *Charter*, all proceedings of the TLC and all documents and records in its possession shall be public records and the TLC shall make an annual report to the City Council on or before the second Monday of January in each year.

If appointed, Mr. Carone, a Brooklyn resident, will fill a vacancy and be eligible to complete the remainder of a seven-year term that expires on January 31, 2015. Copies of Mr. Carone's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

If appointed, Ms. Marino, a Queens resident, will replace Harry Giannoulis and be eligible to complete the remainder of a seven-year term that expires on January 31, 2015. Copies of Ms. Marino's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

(After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointment of the nominees. For nominee Nora Constance Marino, please see the Report of the Committee on Rules, Privileges and Elections for M-406 printed in these Minutes; for nominee Frank V. Carone, please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Frank V. Carone as a member of the New York City Taxi and Limousine Commission to serve for the remainder of a seven-year term expiring on January 31, 2015.

The matter was referred to the Committee on March 2, 2011

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

Res. No. 697

Resolution approving the appointment by the Mayor of Frank V. Carone as a Member of the New York City Taxi and Limousine Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 2301 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Frank V. Carone as a member of the New York City Taxi and Limousine Commission for the remainder of a seven-year term expiring on January 31, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 2, 2011.

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-406

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Nora Constance Marino as a Member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 2, 2011, respectfully

REPORTS:

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-405 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Nora Constance Marino as a member of the New York City Taxi and Limousine Commission to serve for the remainder of a seven-year term expiring on January 31, 2015.

The matter was referred to the Committee on March 2, 2011

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

Res. No. 698

Resolution approving the appointment by the Mayor of Nora Constance Marino as a Member of the New York City Taxi and Limousine Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 2301 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Nora Constance Marino as a member of the New York City Taxi and Limousine Commission for the remainder of a seven-year term expiring on January 31, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 2, 2011.

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 Women's Issues

Report for Int. No. 371-A

Report of the Committee on Women's Issues 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 pregnancy services centers.

The Committee on Women's Issues, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4349), respectfully

REPORTS:

INTRODUCTION

On Tuesday, March 1, 2011, the Committee on Women's Issues, chaired by Council Member Julissa Ferreras, conducted a hearing and committee vote on Proposed Introductory Bill Number 371-A ("Intro. 371-A"), a bill concerning pregnancy services centers. The Committee voted in favor of Intro. 371-A by a vote of four to zero. One committee member was absent.

The Committee held a hearing on Introductory Bill Number 371 ("Intro. 371") on November 16, 2010. At that hearing, the committee heard testimony from the New York City Department of Health and Mental Hygiene ("DOHMH"), the New York City Department of Consumer Affairs ("DCA"), the New York Civil Liberties Union, NARAL, the Center for Reproductive Rights and other reproductive health care advocates, pregnancy services centers, Planned Parenthood and other health care providers, legal groups and interested parties.

BACKGROUND

PSCs are facilities that advertise and provide pregnancy-related services to women who are or may be pregnant. PSCs are not state-licensed medical facilities, and they generally do not have a licensed medical provider on staff who provides or directly supervises the provision of all of the services at such pregnancy services center. Generally, PSCs do not formally disclose to clients whether they do or do not provide abortion or referrals for abortion; provide FDA-approved emergency contraception or referrals to organizations or individuals who provide emergency contraception; or provide prenatal care or referrals for prenatal care.

Deceptive Practices

Nearly all of these centers offer free pregnancy testing and at least two of the PSCs in New York City offer ultrasounds on site.[1] Although many might think of these services as medical, and at least one PSC advertises its pregnancy tests as being "medical quality,"[2] in fact, the pregnancy tests offered at PSCs generally are self-administered and are available over-the-counter at a pharmacy. Providing these tests and ultrasounds helps create the impression that PSCs are medical facilities. However, PSCs may not make clear that they are not actually medical facilities. This makes it difficult for a person to know, as a former Attorney General noted in announcing a settlement with a PSC accused of misleading advertising and inappropriate medical counseling, that PSCs are not regulated by the government, unlike medical providers who treat pregnant women and are subject to rigorous oversight by the State Department of Health.[3] During the committee hearing on Intro. 371 in November, the committee heard testimony on how the deceptive practices of PSCs may cause women to experience delays in receiving reproductive health care. An abortion counselor testified:

> There have been accounts . . . from my clients about these misrepresentations being taken even a step further, where some girls are set up for procedures with appointments, only to have these appointments canceled and rescheduled time and time again, in an attempt to prolong the process past a point when a woman can have access to a real and safe abortion procedure by a licensed provider.[4]

To further the appearance that they are medical facilities, some PSCs model their facilities after clinics or doctors' offices.[5] One pregnant woman's recent experience at a New York City PSC, described in the New York Daily News, is instructive:

> I was brought to a bathroom and told to pee for a pregnancy test. It was "inconclusive." The only way to be sure was a sonogram. Betty led me into an exam room, where a woman in scrubs told me to lie down. This center does not appear to employ any medical staff, but the room looked exactly like a doctor's office. The woman in scrubs pulled the wand over my belly and played the sound of the heartbeat for me.
>
> With a few more swipes over my belly, the woman in scrubs "gave the baby a full examination" and declared, "your baby is healthy and perfect." The procedure took less than five minutes. I was never seen by a doctor or nurse, and my fetus had not received a "full examination," though if I didn't know beforehand, I would have assumed - as many women do - that I'd had a full checkup.[6]

In addition to the services they provide and the design of their facilities, PSCs often choose to locate in close proximity to a hospital or a reproductive health clinic that does have a licensed medical provider on staff who is responsible for all services offered at that facility.[7] This includes PSCs in New York City that are across the street, in the same building as or walking distance from Planned Parenthood clinics, as well as a PSC mobile facility outside a reproductive healthcare clinic in the Bronx. PSCs are also located in buildings with signage displaying terms such as "All Med" with other licensed medical providers." At the hearing, a social worker for Planned Parenthood testified to how the location of a PSC and aggressive tactics of PSC staff misled her client:

> Last week, I met with a 32-year-old mother with two young children. She'd recently cut back on her work hours because her 3-year-old has autism and needs special services and care. After a missed period, she was concerned that she might be pregnant. This woman mistook the [PSC] across the street for the Planned Parenthood health center. . . . After providing a urine sample, she was told she would have to watch graphic videos of abortion prior to obtaining her test results. . . . Although this patient ultimately accessed medical care, it was only after the CPC staff had deceived and emotionally traumatized her.[8]

PSCs also may confuse potential clients through naming and marketing techniques. A 1998 report by the Family Research Council investigated effective names for PSCs and found that "Women's Resource Center" was considered the most valuable in reaching women who were "'at risk for abortion.'"[9] Many of the PSCs in New York City have names that, like Women's Resource Center, do not provide a prospective client with information about the range of services that are or are not available at the PSC. For example, some of New York City's PSCs call themselves Expectant Mother Care, Crisis Pregnancy Center and Pregnancy Resource Services.[10] A pregnant New York Times reporter who visited a PSC located in the same building as an abortion provider reflected that "[i]t's easy to imagine someone spotting the generic-sounding Expectant Mother Care in the lobby directory and assuming it was a general source for reproductive information, perhaps even a medical office."[11]

The delay in reproductive healthcare caused by the misleading tactics of PSCs was evidenced by numerous witness accounts at the committee hearing in November. A licensed medical provider who works in a reproductive healthcare facility in the Bronx testified about a PSC mobile facility that locates in front of her facility:

> I can testify [that] on many occasions the ultrasounds that these patients are given [by the mobile PSC] are misdiagnosed. There is no doctor on the bus giving these patients an accurate diagnosis. The patients do come into my clinic after they've had their [PSC] ultrasounds. I have many cases where I have reported that the patients have had fetal anomalies and the ultrasounds [were] inconclusive.[12]

A Reverend who often counsels pregnant women testified about one of his

parishioners who personally experienced a delay in obtaining desired medical services:

> Sophia was angry. She worked at a grocery store and had to negotiate with both her boss and one of her co-workers to get the day off so she could go to the clinic and have the abortion that she and her husband had together decided was best. When she realized she had gone to a place that wasn't going to provide the service she needed, that she had wasted her day off, lost the income she could have had that day working, and that it would be without purpose, and that it might be three weeks before she could get another day off to try this again, she was outraged.[13]

A reproductive counselor offered testimony about deliberate attempts to delay proper medical care:

> There have been accounts that I have heard from my clients about these misrepresentations being taken even a step further, where some girls are set up for procedures with appointments, only to have these appointments canceled and rescheduled time and time again, in an attempt to prolong the process past a point when a woman can have access to a real and safe abortion procedure by a licensed provider.

The harm in preventing or delaying a woman's reproductive healthcare was outlined in DOHMH's testimony at the committee's hearing. Dr. Susan Blank of DOHMH testified about the importance of receiving early prenatal care from a licensed medical provider:

> Delays in prenatal care decrease the likelihood of a healthy pregnancy, delivery, healthy newborn and mother. That's why starting prenatal care in the first trimester is [the] standard of care in obstetric practice. Early prenatal care is important because number one, it identifies underlying health problems that could impact the pregnancy, such as diabetes, high blood pressure, lupus, and heart disease. Number two, it allows for changes that need to be made in existing medical regimes so that prescriptions can be changed and mothers are not taking teratogenic medications. Third, it is an opportunity to receive preliminary testing for genetic disorders that could affect the fetus, such as sickle cell anemia or cystic fibrosis. Fourth, it's an opportunity for counseling expectant mothers regarding health promoting behaviors, whether that's smoking cessation, alcohol cessation or importantly, folic acid supplementation in order to prevent neural tube defects. . . . It's important to get early care, so that . . . a pregnant woman could maximize her chances of a healthy pregnancy and a healthy outcome, namely a healthy newborn.[14]

DOHMH also testified to the harmful results of delaying an abortion:

> …a late term abortion is more complicated and more costly to perform. It's riskier for the mother in terms of potential complications. So a decision to go ahead with a termination should happen earlier rather than later. The later term abortions are technically more difficult. They tend to need to be done in an inpatient kind of a setting, will require advanced levels of care such as with an anesthesiologist and a skilled surgeon. Generally, there are fewer providers that offer those services, so access is also an issue if a decision is forestalled. There is an increased risk of some complications such as infection and uterine rupture.[15]

Lastly, DOHMH testified to the harm in preventing or delaying a woman's access to emergency contraception:

> Emergency contraception that is sold in the United States, the label says within 72 hours. The real bottom line here is the sooner the better. There have been additional studies that have shown efficacy up to 120 hours after unprotected sex. But again, the FDA labels say 72 hours. . . .The longer you wait, the less likely it is that you're going to have the desired effect, namely preventing an unplanned pregnancy.[16]

PSCs may similarly confuse prospective clients through advertising. For example, PSCs have been listed in the Yellow Pages under categories titled "abortion" or "medical."[17] Moreover, 37.5 percent of the websites reviewed by NARAL as possible PSC websites did not provide any indication of whether or not they provided abortion or contraception.[18]

A 1987 account of a Brooklyn woman's encounter with a PSC sounds similar to testimony presented at the November 2010 hearing. The woman saw an ad in the Yellow Pages that asked if she was "thinking of an abortion."[19] Since this woman was contemplating abortion, she went to the PSC, but the PSC did not perform abortions or provide referrals for abortions. According to this woman,

> I was looking for a referral to an abortion clinic, and nothing in the ad or on the phone indicated to me that this wasn't just what I was looking for ….[20]

This story and others like it prompted an investigation by then New York State Attorney General Abrams who sued two PSCs in Manhattan and one in Brooklyn.[21] Abrams argued that the three centers falsely advertised offering referrals to abortion clinics, falsely stated that they conducted pregnancy tests by medical personnel and falsely promised to provide information on birth control.[22] A court ordered the three clinics not to advertise in the "Abortion Services" section in the Yellow Pages, to tell women that they were not medical clinics and not to state that they offered birth control unless they specified that they were only offering natural family planning.[23]

More recently, in 2002, Attorney General Spitzer investigated nine PSCs throughout the State for misleading advertising and inappropriate medical counseling.[24] An agreement was entered with one PSC, Birthright of Victor, that required the PSC to disclose that it did not provide abortion services or make referrals for abortions.[25] Birthright agreed to disclose verbally and in writing that it is not a licensed medical provider and to inform anyone who calls or visits the PSC of that fact.[26] The agreement also requires that Birthright clarify in its advertisements that it provides self-administered, over-the-counter pregnancy tests only.[27] Despite the attorney generals' recognition of fraudulent behavior by PSCs and several attempts to cure that behavior, many PSCs in New York City have continued some or all of their harmful practices. One potential reason these practices continue, as evidenced at the November, 2010 hearing on Intro. 371, is that the sensitive nature of harms committed lead to a disproportionately small number of complainants. Women who have been harmed by PSCs may not feel comfortable reporting personal incidents relating to accessing abortion, emergency contraception or prenatal care for an unplanned pregnancy.

Lack of Confidentiality

Licensed medical providers and licensed medical facilities are required to comply with confidentiality rules such as those contained in the federal Health Insurance Portability and Accountability Act.[28] Certain other entities such as financial institutions[29] are subject to specific privacy and confidentiality rules, but there are no laws that apply to organizations or individuals that do not fall into one of these specific categories. Therefore, most, if not all, PSCs are not required by any federal, New York State or New York City regulation to keep client information confidential. According to NARAL's volunteer investigators, most of the PSCs they visited asked them to fill out forms that requested various types of personal information.[30] For example, one PSC asked for information including the person's "relationship status, work information, and even the personal information of the 'father of the baby.'"[31] Only three of the PSCs made any promises about keeping the information they collected confidential.[32] At the November, 2010, committee hearing on Intro. 371, a social worker from Planned Parenthood testified to a patient's experience where:

> . . . a patient . . . who went to a [PSC], provided personal information, including the location where she worked and some of the [PSC] staff members came to where she worked. . . .that wasn't the only egregious thing that the staff members of this [PSC]had done. . . they had been sending her text messages, harassing text messages inquiring if she had named her baby yet.[33]

The privacy of an individual's health and personal information is a significant concern in many situations, and certainly when a woman is or thinks she may be pregnant. For example, studies demonstrate an increased risk of abuse during pregnancy for women in abusive relationships, particularly for unintended pregnancies.[34] In addition, at least one recent study determined that women in both violent and non-violent abusive relationships were often subject to attempts to control their reproductive decisions after they were pregnant.[35]

Proposed Introduction Number 371-A ("Intro. 371-A")

Intro. 371-A would amend chapter five of title 20 of the Administrative Code of the City of New York by adding a new subchapter 17. The new subchapter would be titled "Pregnancy Services Centers." The intent of Intro. 371-A is to ensure that women visiting PSCs are fully informed about whether or not they are consulting with a licensed medical provider, and what pregnancy-related services the PSCs do or do not offer, so that women receive timely reproductive health care.

Intro 371-A would define PSCs as facilities that provide services to women who are or may be pregnant and either (1) provide obstetric ultrasounds, obstetric sonograms or prenatal care; or (2) have the appearance of a licensed medical facility. The legislation is clear that any facility licensed by the State of New York or the federal government to provide medical or pharmaceutical services, or any facility with a licensed medical provider present to provide or supervise the pregnancy related services offered (such as a group medical practice or an individual physician's practice), is not a PSC. These facilities and practices are regulated by the State, and already risk losing their licenses if they engage in deceptive practices. Licensed medical provider would be defined as a person licensed or otherwise authorized under the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-one-b, one hundred thirty-nine or one hundred forty of the New York Education Law, to provide medical services.

This definition is tailored to target the most egregious harms evidenced at the hearing: deceptive practices that delay or limit access to reproductive healthcare. The definition, and by extension the legislation, does not solely concern facilities that do not provide or refer for abortion. All facilities that provide pregnancy-related services without a licensed medical provider directly overseeing the provision of those services are covered by this legislation.

Intro. 371-A would list specific factors to be considered in determining whether a facility looks like a licensed medical facility. Such factors are derived from the first committee hearing on Intro. 371 and are the features of PSCs which, as the testimony indicated, give the wrongful impression of a licensed medical facility or a facility with a licensed medical provider present. These factors would include (a) offering pregnancy testing and/or pregnancy diagnosis; (b) having staff or volunteers who wear medical attire or uniforms; (c) having one or more examination tables; (d) having a private or semi-private room or area containing medical supplies and/or medical instruments; (e) having staff or volunteers collect health insurance information from clients; and (f) locating the facility on the same premises as a licensed medical facility or sharing facility space with a licensed medical provider. The presence of two or more of any of these factors would be prima facie evidence that the facility has the appearance of a licensed medical facility.

Under Intro. 371-A, a PSC would be required to make certain disclosures. Specifically, the PSC would be required to disclose whether it does or does not (1) have a licensed medical provider on staff who provides or directly supervises all of the services at the PSC; (2) provide or refer for prenatal care; (3) provide or refer for abortion; and (4) provide or refer for emergency contraception. The intent of Intro. 371-A is for each PSC to disclose whether or not it has a licensed medical provider who takes full responsibility for all health-related services provided by the PSC.

Centers will also have to inform clients that the DOHMH encourages women who are or who may be pregnant to consult with a licensed medical provider. All such disclosures are required to be made in English and Spanish: (i) on signs at the entrance of the PSC; (ii) in the PSC waiting area; (iii) and in any advertisements for PSC services. Additionally, PSC staff and/or volunteers would have to make such disclosures verbally upon a client's request for abortion, emergency contraception or prenatal care. This disclosure would be made in person or over the phone when a client requests or inquires whether the PSC provides one of these services.

Further, Intro. 371-A would require PSCs to keep all personal and health information obtained from clients or perspective clients confidential, unless a client provided written consent to release such information or such disclosure were required by law. The confidentiality requirement, however, would not prohibit PSC staff from reporting child abuse and maltreatment as defined under State law.

Penalties for violating the disclosure or confidentiality requirements of Intro 371-A would be as follows: civil penalty of $200 to $1,000 for the first violation; $500 to $2,500 for each succeeding violation; for three or more violations within two years, after notice and a hearing, DCA is authorized to seal the Center for no more than five days. DCA would be permitted to allow entrance to a sealed PSC in order to remedy the violations.

[1] NARAL Pro-Choice N.Y. Found. & Nat'l Inst. for Reproductive Health, *She Said Abortion Could Cause Breast Cancer: A Report on the Lies, Manipulations, and Privacy Violations of Crisis Pregnancy Centers* (2010), *available at* http://www.prochoiceny.org/assets/files/cpcreport2010.pdf .

[2] *Id.*

[3] Press Release, N.Y. State Att'y Gen'l Eliot Spitzer, *Spitzer Reaches Agreement with Upstate Crisis Pregnancy Center* (Feb, 28, 2002).

[4] N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Center for Reproductive Rights at 75-76.

[5] Jennifer Carnig, *Abortion Foes Resort to Deception: What I Found When I Went to a Crisis Pregnancy Center*, The New York Daily News, Nov. 5, 2010; Nat'l Abortion Federation, *Crisis Pregnancy Centers: An Affront to Choice* 4 (2006).

6Id.

[7] Ariel Kaminer, A Hidden Minefield at Pregnancy Centers, N.Y. Times, Oct. 29, 2010; EMC Frontline Pregnancy Ctrs., *About EMC*, http://emcfrontline.org/page.php?id=1 (last visited Nov, 14, 2010); NARAL Pro-Choice N.Y. Found., *supra* note 1 at 7-8.

[8] N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Planned Parenthood at 9.

[9]Curtis J. Young, Family Research Council, *Turning Hearts toward Life: Market Research for Crisis Pregnancy Centers* 9 (1998).

[10]Lifecall Resources for Pregnant Women & their Babies, *Crisis Pregnancy Centers: New York*, http://www.lifecall.org/cpc.html (last visited February 27, 2011).

[11]Ariel Kaminer, *supra* note 7.

[12]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Dr. Emily's at 194.

[13]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of All Souls Bethlehem Church at 222.

[14]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Dep't of Health and Mental Hygiene at 20-21.

[15]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Dep't of Health and Mental Hygiene at 25-26.

[16]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Dep't of Health and Mental Hygiene at 54-55.

[17]NARAL Pro-Choice N.Y. Found., *supra* note 1.

[18]*Id*.

[19]Jane Gross, *Pregnancy Centers: Anti Abortion Role Challenged*, N.Y. Times, Jan. 23, 1987.

[20]*Id.*

[21]Jeanie Kasindorf, *Abortion in New York*, N.Y. Magazine, Sep. 18, 1989, at 37-38.

[22]*Id.*

[23]*Id.*

[24]Press Release, N.Y. State Att'y Gen'l Eliot Spitzer, *Spitzer Reaches Agreement with Upstate Crisis Pregnancy Center* (Feb, 28, 2002).

[25]*Id.*

[26]*Id*.

[27]*Id*.

[28]Office of Civil Rights, U.S. Dep't of Health & Human Servs., *Health Information Privacy: For Covered Entities*, http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/index.html (last visited Nov. 14, 2010).

[29]*E.g.*, Gramm-Leach-Bliley Act, Pub. L.106-102, 113 Stat.1338 (1999).

[30] NARAL Pro-Choice N.Y. Found., *supra* note 1.

[31]*Id.*

[32]*Id.*

[33]N.Y.C. Council Hearing, November 16, 2010, *Introduction. No. 371*: testimony of Planned Parenthood at 88-89.

[34]Ann M. Moore, *et al.*, *Male Reproductive Control of Women who Have Experienced Intimate Partner Violence in the United States*, 70 Social Sci. & Med. 1737 (2010).

[35] *Id.*

(The following is the Fiscal Impact Statement for Int. No. 371-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 371-A

COMMITTEE: Women's Issues

TITLE: To amend the administrative code of the City of New York, in relation to pregnancy services centers.

SPONSORS: Lappin, the Speaker (Council Member Quinn), Arroyo, Ferreras, Mendez, Garodnick, Reyna, Foster, Brewer, Comrie, Fidler, James, Koppell, Koslowitz, Lander, Palma, Rose, Van Bramer, Rodriguez, Chin, Dickens, Dromm, Mark-Viverito and Jackson.

SUMMARY OF LEGISLATION: This legislation would require, among other provisions, pregnancy services centers to disclose certain information to its patients including whether the center does or does not have a licensed medical provider on staff who provides or directly supervises the provision of services, provides referrals for abortion, emergency contraception, and/or prenatal care. It would also require pregnancy services centers to ensure that all health information and personal information provided by a client in the course of inquiring about or seeking services at a pregnancy services center shall be treated as confidential and not disclosed to any other individual, company or organization unless such client, in writing, requests or consents to the release of such information, or disclosure is required by operation of law or court order.

Any pregnancy services center that violates the provisions of this legislation shall be liable for a civil penalty of not less than two hundred dollars, or no more than one thousand dollars for the first violation, and a civil penalty of not less than five hundred dollars or no more than two thousand-five hundred dollars for each succeeding violation. Further violations may lead to the closure of a center. Mutilation or removal of a posted order of the commissioner or his designee shall be punishable by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding fifteen days, or both, provided such order contains therein a notice of such penalty. Any other intentional disobedience or resistance to any provision including using or occupying or permitting any other person to use or occupy any premises ordered closed without the permission of the department, in addition to any other punishment prescribed by law, will be punishable by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both.

EFFECTIVE DATE: This local law shall take effect one hundred twenty 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.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY12	Full Fiscal Impact FY12
Revenues (+)	de minimus	de minimus	de minimus
Expenditures (-)	$0	$0	$0
Net	$0	$0	$0

IMPACT ON REVENUES: There would be minimal impact on revenues by the enactment of this legislation (due to fine collections as a result of violations).

IMPACT ON EXPENDITURES: There would be no additional expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Pakhi Sengupta, Principal Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Introduced as Intro. 371 by the Council on October 13, 2010 and referred to the Committee on Women's Issues. On November 16, 2010, Intro 371 was considered by the Committee and laid over. On March 1, 2011, an amended version, Proposed Intro 371-A was considered and voted out by the Committee.

DATE SUBMITTED TO COUNCIL: OCTOBER 13, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 371-A:)

Int. No. 371-A

By Council Members Lappin, the Speaker (Council Member Quinn), Arroyo, Ferreras, Mendez, Garodnick, Reyna, Foster, Brewer, Fidler, James, Koppell, Koslowitz, Lander, Palma, Rose, Van Bramer, Rodriguez, Chin, Dickens, Dromm, Mark-Viverito, Jackson and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to pregnancy services centers.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. It is the Council's intention that consumers in New York City have access to comprehensive information about and timely access to all types of reproductive health services including, but not limited to, accurate pregnancy diagnosis, prenatal care, emergency contraception and abortion.

Based on the evidence before it, the Council finds that some pregnancy services centers in New York City engage in deceptive practices, which include misleading consumers about the types of goods and services they provide on-site, misleading consumers about the types of goods and services for which they will provide referrals to third parties, and misleading consumers about the availability of licensed medical providers that provide or oversee services on-site. Such deceptive practices are used in advertisements for pregnancy services centers, which are misleading as to the services the centers do or do not provide.

The Council further finds that such deceptive practices can impede and/or delay consumers' access to reproductive health services. Some pregnancy services centers have engaged in conduct that wrongly leads clients to believe that they have received reproductive health care and counseling from a licensed medical provider. Prenatal care, abortion and emergency contraception are all time sensitive services. Increasing the proportion of women receiving adequate and early prenatal care is a pronounced objective of the United States Department of Health and Human Services. The federal Centers for Disease Control and Prevention urges that comprehensive prenatal care begin as soon as a woman decides to become pregnant. Similar to prenatal care, delayed access to abortion and emergency contraception poses a threat to public health. Delay in accessing abortion or emergency contraception creates increased health risks and financial burdens, and may eliminate a women's ability to obtain these services altogether, severely limiting her reproductive health options.

The Council seeks both to stop pregnancy services centers that are currently engaging in deceptive practices in New York City from continuing to do so and to prevent pregnancy services centers from engaging in deceptive practices in New York City in the future. The Council fully embraces the right of pregnancy services centers to express their views about reproductive health services and seeks only to prevent and/or mitigate the effects of deceptive practices. Existing laws do not adequately protect consumers from the deceptive practices targeted by this legislation. Specifically, anti-fraud statutes have proven ineffective in prosecuting deceptive centers because the vulnerable population served by these centers faces potential threats or injury to their well-being by bringing forward complaints which often contain highly sensitive personal information, such as the circumstances surrounding a client's unplanned pregnancy. Clients have demonstrated a reluctance to come forward and disclose the events that occurred when they attempted to obtain such services.

The Council also finds that pregnancy services centers may collect sensitive personal and health information from consumers inquiring about or seeking services at such centers. However, most pregnancy services centers are not subject to the federal and state laws that limit the disclosure of such information by providers of medical care. If such information were to be improperly released, it could be significantly damaging to the consumers who utilize such centers. The release of such private information is particularly troublesome where the client is a victim of intimate partner violence and/or domestic abuse. As a result, the Council finds it necessary to create protections for the personal and health information provided by consumers inquiring about or seeking services at pregnancy services centers.

§ 2. Chapter 5 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 17 to read as follows:

SUBCHAPTER 17
PREGNANCY SERVICES CENTERS

§ 20-815 Definitions.
§ 20-816 Required disclosures.
§ 20-817 Confidentiality of health and personal information.
§ 20-818 Penalties.
§ 20-819 Hearing authority.
§ 20-820 Civil cause of action.

§ 20-815 Definitions. For the purposes of this subchapter, the following terms shall have the following meanings: a. "Abortion" shall mean the termination of a pregnancy for purposes other than producing a live birth, which includes but is not limited to a termination using pharmacological agents.

b. "Client" shall mean an individual who is inquiring about or seeking services at a pregnancy services center.

c. "Emergency contraception" shall mean one or more prescription drugs used separately or in combination, to prevent pregnancy, when administered to or self-administered by a patient, within a medically recommended amount of time after sexual intercourse, and dispensed for that purpose in accordance with professional standards of practice and determined by the United States food and drug administration to be safe.

d. "Health information" shall mean any oral or written information in any form or medium that relates to health insurance and/or the past, present or future physical or mental health or condition of a client.

e. "Licensed medical provider" shall mean a person licensed or otherwise authorized under the provisions of articles one hundred thirty-one, one hundred thirty-one-a, one hundred thirty-one-b, one hundred thirty-nine or one hundred forty of the education law of New York, to provide medical services.

f. "Personal information" shall mean any or all of the following: the name, address, phone number, email address, date of birth, social security number, driver's license number or non-driver photo identification card number of a client, a relative of a client or a sexual partner of a client. This term shall apply to all such data, notwithstanding the method by which such information is maintained.

g. "Pregnancy services center" shall mean a facility, including a mobile facility, the primary purpose of which is to provide services to women who are or may be pregnant, that either: (1) offers obstetric ultrasounds, obstetric sonograms or prenatal care; or (2) has the appearance of a licensed medical facility. Among the factors that shall be considered in determining whether a facility has the appearance of a licensed medical facility are the following: the pregnancy services center (a) offers pregnancy testing and/or pregnancy diagnosis; (b) has staff or volunteers who wear medical attire or uniforms; (c) contains one or more examination tables; (d) contains a private or semi-private room or area containing medical supplies and/or medical instruments; (e) has staff or volunteers who collect health insurance information from clients; and (f) is located on the same premises as a licensed medical facility or provider or shares facility space with a licensed medical provider. It shall be prima facie evidence that a facility has the appearance of a licensed medical facility if it has two or more of the factors listed in subparagraphs (a) through (f) of paragraph (2) of this subdivision.

A pregnancy services center shall not include a facility that is licensed by the state of New York or the United States government to provide medical or pharmaceutical services or where a licensed medical provider is present to directly provide or directly supervise the provision of all services described in this subdivision that are provided at the facility.

h. "Premises" shall mean land and improvements or appurtenances or any part thereof.

i. "Prenatal care" shall mean services consisting of physical examination, pelvic examination or clinical laboratory services provided to a woman during

pregnancy. Clinical laboratory services refers to the microbiological, serological, chemical, hematological, biophysical, cytological or pathological examination of materials derived from the human body, for purposes of obtaining information, for the diagnosis, prevention, or treatment of disease or the assessment of health condition.

§ 20-816 Required disclosures. a. A pregnancy services center shall disclose to a client that the New York City Department of Health and Mental Hygiene encourages women who are or who may be pregnant to consult with a licensed medical provider.

b. A pregnancy services center shall disclose if it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all of the services at such pregnancy services center.

c. A pregnancy services center shall disclose if it does or does not provide or provide referrals for abortion.

d. A pregnancy services center shall disclose if it does or does not provide or provide referrals for emergency contraception.

e. A pregnancy services center shall disclose if it does or does not provide or provide referrals for prenatal care.

f. The disclosures required by this section must be provided:

(1) in writing, in English and Spanish in a size and style as determined in accordance with rules promulgated by the commissioner on (i) at least one sign conspicuously posted in the entrance of the pregnancy services center; (ii) at least one additional sign posted in any area where clients wait to receive services; and (iii) in any advertisement promoting the services of such pregnancy services center in clear and prominent letter type and in a size and style to be determined in accordance with rules promulgated by the commissioner; and

(2) orally, whether by in person or telephone communication, upon a client or prospective client request for any of the following services: (i) abortion; (ii) emergency contraception; or (iii) prenatal care.

§ 20-817 Confidentiality of health and personal information. a. All health information and personal information provided by a client in the course of inquiring about or seeking services at a pregnancy services center shall be treated as confidential and not disclosed to any other individual, company or organization unless such client, in writing, requests or consents to the release of such information, or disclosure is required by operation of law or court order.

b. Any consent for the release of health or personal information required pursuant to subdivision a of this section must:

(1) be in writing, dated and signed by the client;

(2) identify the nature of the information to be disclosed;

(3) identify the name and institutional affiliation of the person or class of persons to whom the information is to be disclosed;

(4) identify the organization or individual who is to make the disclosure;

(5) identify the client;

(6) contain an expiration date or an expiration event that relates to the client or the purpose of the use or disclosure.

c. Any client that consents to the release of health or personal information pursuant to subdivision b of this section must have a clear and complete understanding of the nature of such release and the content of such information.

d. Notwithstanding subdivisions a and b of this section, if any pregnancy services center employee or volunteer has reasonable cause to suspect that a client receiving services at a pregnancy services center is an abused or maltreated child, such employee or volunteer may report such abuse to the statewide central register of child abuse and maltreatment in accordance with section four-hundred thirteen or four-hundred fourteen of the social services law of New York, and to the administration for children's services, and/or the police department, and cooperate in the investigation related thereto to the extent permitted by applicable state and federal law. For the purposes of this subdivision, "abused child" and "maltreated child" shall be defined in accordance with section four-hundred twelve of the social services law of New York, or as a person under the age of eighteen whose parent or guardian legally responsible for such person's care inflicts serious physical injury upon such person, creates a substantial risk of serious physical injury, or commits an act of sexual abuse against such person. Reporting child abuse and maltreatment as defined in this subdivision to an individual or entity other than the statewide central registrar of child abuse and maltreatment, the administration for children's services or the police department shall be a violation of this section.

§ 20-818 Penalties. a. Any pregnancy services center that violates the provisions of sections 20-816 or 20-817 of this subchapter or any rules or regulations promulgated thereunder shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for the first violation and a civil penalty of not less than five hundred dollars nor more than two thousand-five hundred dollars for each succeeding violation.

b. (1) If any pregnancy services center is found to have violated the provisions of section 20-816 on three or more separate occasions within two years, then, in addition to imposing the penalties set forth in subdivision a of this section, the commissioner, after notice and a hearing, shall be authorized to order that the pregnancy services center be sealed for a period not to exceed five consecutive days, except that such premises may be entered with the permission of the commissioner solely for actions necessary to remedy past violations of section 20-816 or prevent future violations or to make the premises safe. For the purposes of this subdivision, any violations at a pregnancy services center shall not be included in determining the number of violations of any subsequently established pregnancy services center at that location unless the commissioner establishes that the subsequent operator of such pregnancy services center acquired the premises or pregnancy services center, in whole or in part, for the purpose of permitting the previous operator of the pregnancy services center who had been found guilty of violating section 20-816 of this subchapter to avoid the effect of such violations.

(2) Orders of the commissioner issued pursuant to paragraph one of this subdivision shall be posted at the premises that are the subject of the order(s).

(3) Ten days after the posting of an order issued pursuant to paragraph one of this subdivision, and upon the written directive of the commissioner, officers and employees of the department and officers of the New York city police department are authorized to act upon and enforce such orders.

(4) A closing directed by the department pursuant to paragraph one of this subdivision shall not constitute an act of possession, ownership or control by the city of the closed premises.

(5) Mutilation or removal of a posted order of the commissioner or his designee shall be punishable by a fine of not more than two hundred fifty dollars or by imprisonment not exceeding fifteen days, or both, provided such order contains therein a notice of such penalty. Any other intentional disobedience or resistance to any provision of the orders issued pursuant to paragraph one of this subdivision, including using or occupying or permitting any other person to use or occupy any premises ordered closed without the permission of the department as described in subdivision b shall, in addition to any other punishment prescribed by law, be punishable by a fine of not more than one thousand dollars, or by imprisonment not exceeding six months, or both.

c. For the purposes of this section, all violations committed on any one day by any one pregnancy services center shall constitute a single violation.

§ 20-819 Hearing authority. a. Notwithstanding any other provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of the provisions of this subchapter and any rules promulgated thereunder. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-818 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the commissioner. The penalties provided for in section 20-818 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All proceedings under this subchapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. Notice of any third violation for engaging in a violation of section 20-816 shall state that premises may be ordered sealed after a finding of a third violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§ 20-820 Civil cause of action. Any person claiming to be injured by the failure of a pregnancy services center to comply with section 20-817 shall have a cause of action against such pregnancy services center in any court of competent jurisdiction for any or all of the following remedies: compensatory and punitive damages; injunctive and declaratory relief; attorney's fees and costs; and such other relief as a court deems appropriate.

§ 3. Effect of invalidity; 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.

§ 4. This local law shall take effect one hundred twenty 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.

JULISSA FERRERAS, Chairperson; ANNABEL PALMA, MARGARET S. CHIN, RUBEN WILLS, Committee on Women's Issues, March 1, 2011.

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:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of Wednesday, March 23, 2011).

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)	**M 405 & Res 697 --**	Frank V. Carone - New York City Taxi and Limousine Commission
(2)	**M 406 & Res 698 --**	Nora Constance Marino - New York City Taxi and Limousine
(3)	**Int 26-A --**	Sale of tax liens **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).**
(4)	**Int 291-A --**	Penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.
(5)	**Int 371-A --**	Pregnancy services centers.
(6)	**L.U. 317 & Res 695 --**	App. **20115165 TCK**, unenclosed sidewalk café 85 Broadway, Borough of Brooklyn, Council District no. 34.
(7)	**L.U. 318 & Res 696 --**	App. **20115294 TCK**, unenclosed sidewalk café 152 Metropolitan Avenue, Borough of Brooklyn, Council District no. 34.

(8) 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 –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) **– 49**.

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

The following was the vote recorded for **Int No. 371-A**:

Affirmative –Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gonzalez, Greenfield, Jackson, James, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) **– 39**.

Negative – Cabrera, Gentile, Halloran, Ignizio, Koo, Mealy, Oddo, Ulrich, and Vallone, Jr. **– 9.**

Abstention (Not Voting) – Eugene-**1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 26-A (passed under a Message of Necessity from the Mayor), 291-A, and 371-A.

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 666-A

Report of the Committee on Health in favor of approving, as amended, a Resolution calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

The Committee on Health, to which the annexed amended resolution was referred on February 16, 2011 (Minutes, page 386), respectfully

REPORTS:

INTRODUCTION

On March 1, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing and vote on Proposed Res. No. 666-A, calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

PROPOSED RES. NO. 666-A

Res. No. 666-A would note that on March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law. The Resolution would state that this federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions. The Resolution would point out that in the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services. The Resolution would indicate that PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women.

Proposed Res. No. 666-A would state that if an individual who receives federal public assistance purchases coverage under a plan that chooses to cover abortion services, federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium of state funds. The Resolution would note that this policy also applies to the state health insurances exchanges created under PPACA, ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion. The Resolution would also state that H.R. 358, "The Protect Life Act," was recently introduced in the United States House of Representatives. The Resolution would also note that H.R. 358 would eliminate abortion coverage in the state health insurance exchanges by prohibiting federal funds from going toward any part of the costs of any health plan that covers abortion. The Resolution would indicate that the Congressional Budget Office estimates that 30 million people will receive health insurance through the insurance exchanges. The Resolution would also indicate that H.R. 358 would essentially ban coverage of abortion in the exchanges for everyone, including those paying for coverage entirely with private dollars.

Proposed Res. No. 666-A would state that current law requires hospitals and ambulance services to provide emergency treatment to all individuals, regardless of their citizenship, legal status or ability to pay. The Resolution would note that H.R. 358 would trump current law by permitting hospitals to refuse to perform abortions for any reason, even in emergency situations when the life of the woman is in danger. The Resolution would also state that H.R. 358 would further undermine access to health care by prohibiting abortion coverage in multi-state insurance plans and preventing any entity that implements the PPACA, including the United States Department of Health and Human Services, from ensuring access to abortion services. Finally, Proposed Res. No. 666-A would call upon to the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 666-A:)

Res. No. 666-A

Resolution calling upon the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

By Council Members Arroyo, The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Dickens, Dromm, Ferreras, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Nelson, Rose, Van Bramer, Garodnick, Crowley and Sanders.

Whereas, On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law; and

Whereas, This federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions; and

Whereas, In the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services; and

Whereas, PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women; and

Whereas, If an individual who receives federal public assistance purchases coverage in a plan that chooses to cover abortion services, the federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium of state funds; and

Whereas, This policy also applies to the state health insurances exchanges created under PPACA, ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion; and

Whereas, H.R. 358, "The Protect Life Act," was recently introduced in the United States House of Representatives; and

Whereas, H.R. 358 would eliminate abortion coverage in the state health insurance exchanges by prohibiting federal funds from going toward any part of the costs of any health plan that covers abortion; and

Whereas, The Congressional Budget Office estimates that 30 million people will receive health insurance through the insurance exchanges; and

Whereas, H.R. 358 would essentially ban coverage of abortion in the exchanges for everyone, including those paying for coverage entirely with private dollars; and

Whereas, Current law requires hospitals and ambulance services to provide emergency treatment to all individuals, regardless of their citizenship, legal status or ability to pay; and

Whereas, H.R. 358 would trump current law by permitting hospitals to refuse to perform abortions for any reason, even in emergency situations when the life of the woman is in danger; and

Whereas, H.R. 358 would further undermine access to health care by prohibiting abortion coverage in multi-state insurance plans and preventing any entity that implements the PPACA, including the Department of Health and Human Services, from ensuring access to abortion services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon to the United States House of Representatives to vote against H.R. 358, a bill which will severely restrict women's right to access abortion and endanger women's lives by permitting health care providers to deny life saving care in emergencies.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, March 1, 2011.

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. 666-A** to be adopted.

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

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 670-A

Report of the Committee on Health in favor of approving, as amended, a Resolution calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women's right to access abortion services.

The Committee on Health, to which the annexed amended resolution was referred on February 16, 2011 (Minutes, page 397), respectfully

REPORTS:

INTRODUCTION

On March 1, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing and vote on Proposed Res. No. 670-A, calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women's right to access abortion services.

PROPOSED RES. NO. 670-A

Proposed Res. No. 670-A would note that on March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law. The Resolution would state that this federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions. The Resolution would point out that in the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services. The Resolution would indicate that PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women.

Proposed Res. No. 670-A would state that if an individual who receives federal public assistance purchases coverage in a plan that chooses to cover abortion services, the federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium or state funds. The Resolution would note that this policy also applies to the state health insurances exchanges created under PPACA ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion. The Resolution would also state that H.R. 3, the "No Taxpayer Funding for Abortion Act," was recently introduced in the United States House of Representatives. The Resolution would also note that H.R. 3 would raise taxes on healthcare coverage for families, women, and small businesses by banning tax credits for businesses that provide health plans with abortion coverage and requiring self-employed individuals to pay taxes on insurance plans that cover abortion. The Resolution would indicate that according to a study conducted by the Alan Guttmacher Institute, a leading sexual and reproductive health policy institute, 87 percent of private insurance plans cover abortion services. The Resolution would also indicate that H.R 3 would restrict access to abortion services by placing an added financial burden on families whose health plans cover abortion.

Proposed Res. No. 670-A would state that H.R. 3 would revive the core provision of the failed Stupak-Pitts amendment by imposing a ban on abortion coverage for women in state health insurance exchanges, even if they use their own, private funds to pay for the coverage. The Resolution would note that this ban would necessitate that a woman purchase separate abortion-only health insurance coverage. The Resolution would also state that the National Women's Law Center asserts that there is no evidence that abortion-only coverage exists, as there is no evidence of the availability of such coverage in the five states which allow abortion-only coverage through a separate rider. The Resolution would indicate that H.R. 3 would permanently deny low-income women access to abortion services by codifying the Hyde Amendment, a rider to the appropriations bill that currently requires annual re-authorization. The Resolution would also state that the Hyde Amendment bans the use of federal funds for abortion services, preventing women on Medicaid, servicewomen, and certain other federal employees from accessing abortion coverage. Finally, Proposed Res. No. 670-A would calls upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women's right to access abortion services.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 670-A:)

Res. No. 670-A

Resolution calling upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women's right to access abortion services.

By Council Member Ferreras and The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Comrie, Dickens, Dromm, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Nelson, Rose, Seabrook, Van Bramer, Garodnick, Crowley and Sanders.

Whereas, On March 23, 2010, President Barack Obama signed the Patient Protection and Affordable Care Act (PPACA) into law; and

Whereas, This federal health care reform legislation sought to expand access to health insurance, create insurance exchanges, provide tax breaks for small businesses to provide health insurance to their employees and end various abuses by the insurance industry including prohibiting discrimination against individuals with preexisting conditions; and

Whereas, In the final stages of negotiating the legislation, several Representatives sought to prohibit any federal health insurance or insurance exchanges from covering abortion services; and

Whereas, PPACA includes restrictive provisions, known as the Nelson language, that impose unnecessary administrative burdens on consumers who purchase plans that offer abortion coverage, placing essential reproductive care further out of reach for low-income women; and

Whereas, If an individual who receives federal public assistance purchases coverage in a plan that chooses to cover abortion services, the federal funds must not be used for the purchase of abortion coverage and must be segregated from private premium or state funds; and

Whereas, This policy also applies to the state health insurances exchanges created under PPACA ensuring that federal funding will not subsidize abortion services and segregating private funding that does cover abortion; and

Whereas, H.R. 3, the "No Taxpayer Funding for Abortion Act," was recently introduced in the United States House of Representatives; and

Whereas, H.R. 3 would raise taxes on healthcare coverage for families, women, and small businesses by banning tax credits for businesses that provide health plans with abortion coverage and requiring self-employed individuals to pay taxes on insurance plans that cover abortion; and

Whereas, According to a study conducted by the Alan Guttmacher Institute, a leading sexual and reproductive health policy institute, 87 percent of private insurance plans cover abortion services; and

Whereas, H.R 3 would restrict access to abortion services by placing an added financial burden on families whose health plans cover abortion; and

Whereas, H.R. 3 would revive the core provision of the failed Stupak-Pitts amendment by imposing a ban on abortion coverage for women in state health insurance exchanges, even if they use their own, private funds to pay for the coverage; and

Whereas, This ban would necessitate that a woman purchase separate abortion-only health insurance coverage, and

Whereas, The National Women's Law Center asserts that there is no evidence that abortion-only coverage exists, as there is no evidence of the availability of such coverage in the five states which allow abortion-only coverage through a separate rider; and

Whereas, H.R. 3 would permanently deny low-income women access to abortion services by codifying the Hyde Amendment, a rider to the appropriations bill that currently requires annual re-authorization; and

Whereas, The Hyde Amendment bans the use of federal funds for abortion services, preventing women on Medicaid, servicewomen, and certain other federal employees from accessing abortion coverage; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives to vote against H.R. 3, a bill which will raise taxes on millions of Americans and severely limit women's right to access abortion services.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, March 1, 2011.

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. 670-A** to be adopted.

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

The following Council Member formally **abstained** from voting on this issue: Council Member Wills.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 672-A

Report of the Committee on Health in favor of approving, as amended, a Resolution urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

The Committee on Health, to which the annexed amended resolution was referred on February 16, 2011 (Minutes, page 402), respectfully

REPORTS:

INTRODUCTION

On March 1, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing and vote on Proposed Res. No. 672-A, urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

PROPOSED RES. NO. 672-A

Proposed Res. No. 672-A would note that Title X of the Public Health Service Act regulations, which governs federal family planning funding has been an integral component of the national public health care system, providing high-quality family planning services and other preventative health care to low-income and uninsured individuals who may otherwise lack access to health care. The Resolution would state that Title X funds provide subsidized family planning services, health education and referrals for other health and social services. The Resolution would point out that in New York City alone, more than 50,000 women per year depend on Planned Parenthood, a Title X funded entity, for high-quality healthcare services. The Resolution would indicate that the New York State Legislature is already in the process of implementing tough budget cuts.

Proposed Res. No. 672-A would state that any loss of federal healthcare funding on top of these cuts would have a particularly devastating impact on women's health in New York City and New York State. The Resolution would note more than 90 percent of the healthcare provided by Planned Parenthood each year is preventive, and every dollar invested in family planning saves $3.74 in Medicaid-related costs. The Resolution would also state that current federal law prohibits Title X funds from being spent on abortion services. The Resolution would also note that H.R. 217 would expand existing restrictions on Title X funding to prohibit Title X funds from going to any entity that offers abortion services or provides funding to another entity that offers abortions. The Resolution would indicate that this legislation would severely restrict women's ability to access high quality, affordable reproductive health care and would result in millions of women losing their primary and preventative health care. The Resolution would state that the U.S. House of Representatives recently voted, as part of the federal budget process, to restrict Title X funding and eliminate all funding for Planned Parenthood, regardless of the source of funds. The Resolution would also indicate that H.R. 217 and actions to restrict family planning funds and services are anathema to quality healthcare and contrary to fiscal responsibility. Finally, Proposed Res. No. 672-A would call on the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 672-A:)

Res. No. 672-A

Resolution urging the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

By Council Member Lappin and The Speaker (Council Member Quinn) and Council Members Brewer, Chin, Dickens, Dromm, Ferreras, Foster, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Garodnick, Crowley, Rose, Van Bramer and Sanders.

Whereas, Title X of the Public Health Service Act regulations, which governs federal family planning funding has been an integral component of the national public health care system, providing high-quality family planning services and other preventative health care to low-income and uninsured individuals who may otherwise lack access to health care; and

Whereas, Title X funds provide subsidized family planning services, health education and referrals for other health and social services; and

Whereas, In New York City alone, more than 50,000 women per year depend on Planned Parenthood, a Title X funded entity, for high-quality healthcare services; and

Whereas, The New York State Legislature is already in the process of implementing tough budget cuts; and

Whereas, Any loss of federal healthcare funding on top of these cuts would have a particularly devastating impact on women's health in New York City and New York State; and

Whereas, More than 90 percent of the healthcare provided by Planned Parenthood each year is preventive, and every dollar invested in family planning saves $3.74 in Medicaid-related costs; and

Whereas, Current federal law prohibits Title X funds from being spent on abortion services; and

Whereas, H.R. 217 would expand existing restrictions on Title X funding to prohibit Title X funds from going to any entity that offers abortion services or provides funding to another entity that offers abortions; and

Whereas, This legislation would severely restrict women's ability to access high quality, affordable reproductive health care and would result in millions of women losing their primary and preventative health care; and

Whereas, The U.S. House of Representatives recently voted, as part of the federal budget process, to restrict Title X funding and eliminate all funding for Planned Parenthood, regardless of the source of funds; and

Whereas, Both H.R. 217 and actions to restrict family planning funds and services are anathema to quality healthcare and contrary to fiscal responsibility; now, therefore be it

Resolved, That the Council of the City of New York calls on the United States House of Representatives to vote against H.R. 217, a bill that will restrict access to women's reproductive health services by severely restricting funding for family planning providers and the United States Senate to protect family planning funds and reject the total defunding of Planned Parenthood.

MARIA DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, March 1, 2011.

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. 672-A** to be adopted.

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

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 685

Resolution amending the Council Rules to provide that the Speaker shall issue Council Procurement Procedures.

By The Speaker (Council Member Quinn) and Council Members Brewer, Comrie and Dromm.

Section 1. The Rules of the Council are hereby amended by adding a new rule 2.75 to read as follows:

2.75. Council Procurement Procedures. The Speaker shall establish procurement procedures, which shall apply to all Council Members and Council employees, to ensure efficiency, cost control and to avoid conflicts of interest in the procurement process. All Council Members and Council employees shall be required to comply with the procedures, as well as any related requirements for training set by the Speaker. The Speaker shall make available to all Council Members and Council employees a copy of such procedures and any changes thereto.

§2. This resolution shall take effect immediately.

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 486

By Council Member Brewer, Dromm, Fidler, Williams and Halloran (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 the transfer of functions from the department of records and information services to the department of citywide administrative services, and to repeal chapter 72 of the charter concerning the department of records and information services.

Be it enacted by the Council as follows:

Section 1. Section 811 of chapter 35 of the charter of the city of New York, as amended by local law number 59 for the year 1996, is amended to read as follows:

§ 811. Powers and duties of the commissioner [; general]. *a.* The commissioner shall be responsible for citywide personnel matters, as set forth in this chapter, and shall have all the powers and duties of a municipal civil service commission provided in the civil service law or in any other statute or local law other than such powers and duties as are by this chapter assigned to the mayor, the city civil service commission or the heads of city agencies[;].

b. [the]*The* commissioner shall [in addition] have the power to perform all the functions and operations of the city of New York relating to the maintenance and care of public buildings and facilities; the procurement of goods and other personal property; the disposition of surplus property; the provision to city agencies of services other than personal services; the acquisition, disposition and management by the city of real property other than housing; and the provision of automotive, communication, energy, and data processing services.

c. The commissioner shall:

(1) be the chief archivist of the city and advise the mayor, borough presidents and council on those matters concerning the preservation of the city's historical documentation;

(2) act as the chief reference and research librarian for the mayor, borough presidents and council and ensure that all significant research material pertaining to the operations of the city as well as other municipalities shall be preserved and readily available for use;

(3) act as the chief public records officer for the mayor, borough presidents and council and, except as otherwise provided by law, establish standards for proper records management in any agency or government instrumentality funded in whole or in part from local tax levy monies; and

(4) have the power to exercise or delegate any of the functions and duties vested in such commissioner by law, subject to the provisions of subparagraph 5 of this section.

(5) In addition to the above duties, the commissioner shall ensure the city's custody and control of city records as follows:

(a) Pursuant to an approved records disposition schedule as set forth in section eleven hundred thirty-three of this charter, the commissioner shall ensure that the records of any city officer or agency that are of historical, research, cultural or other important value shall be delivered directly to the department's municipal archives. Upon delivery, the department shall begin to review such records and publish a survey of such records with appropriate specificity, and, to the extent practicable, the contents of such records. Where the commissioner has certified in writing as to its necessity, under extraordinary circumstances, such records may be transferred to an archival establishment to be organized and prepared for archival preservation, provided that such establishment meets the specific requirements specified in subparagraph (b) of this paragraph.

(b) If the commissioner decides that it is necessary to enter into an agreement or contract with another archival establishment outside the department to organize and prepare records for archival preservation, it may not be with a private entity as defined by this chapter, and may not be with any entity outside the city. The commissioner shall include with the agreement or contract a plan for strictly monitoring the status and progress of the archiving operations. The commissioner shall devise and publish such plan, which shall include at least the following: (i) a list of the tasks to be conducted and a timetable for the completion of each such task; (ii) a description of the resources, staffing and training dedicated by the archival establishment to carrying out such tasks; (iii) allowances for direct supervision by department archivists; and (iv) an agreement by the archival establishment to issue, at a minimum, quarterly reports of its activities to the commissioner. The commissioner shall also include with such agreement and publish a schedule, where applicable, for the municipal archives to send original records to such archival establishment and to receive such records when processing is completed. To the extent practicable, such schedule shall take into account that original records should be sent in a limited and controlled manner and that no new such original records should be sent until receipt of any previously sent under such schedule. Any such agreement, contract, plan and schedule must be approved by the law department for compliance with this clause. The commissioner will at all times remain responsible for the proper handling and archiving of records, notwithstanding any agreement with an archival establishment outside the department.

(c) No agreement provided for in subdivision five of this section shall be entered into during the term of office of any elected official of the city with regard to whose records such agreement applies.

(d) Nothing in this subdivision shall prevent officers or members of such officer's administration from donating money to the department's municipal archives or other archival establishment so long as such officers or members are not involved in the supervision, control or management of the archival processing pertaining to their respective administrations.

(e) Nothing in this subdivision should be construed to limit access by the public to city records. The department shall be responsible for granting access to records in accordance with applicable provisions of law. Additionally, agencies of the city shall have free access to such records as needed.

§ 2. Chapter 35 of the charter of the city of New York is amended by adding new sections 829-a through 829-g, to read as follows:

§ 829-a. Records and information services; duties of the department. a. The department shall operate a municipal archives, the head of which shall be a

professional archivist. The archives shall perform the following functions:

(1) develop and promulgate standards, procedures and techniques with regard to archives management;

(2) make continuing surveys of existing records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival material;

(3) preserve and receive all city records of historical, research, cultural or other important value;

(4) appraise, accession, classify, arrange and make available for reference all records which come into the possession of the archives; and

(5) establish and maintain an archives depository for the storage, conservation, processing and servicing of records.

b. The department shall operate a municipal reference and research center, the head of which shall be a professional librarian. The center shall perform the following functions:

(1) provide information and assistance to the mayor and administrative officers of the city in connection with problems of municipal administration and proposed legislation;

(2) provide legislative reference assistance to the council, its members and committees and maintain, in a legislative reference section, such records and papers as the council and city clerk may remand to its custody;

(3) maintain facilities which shall be open to the public wherein, subject to such reasonable regulation as may be prescribed, all books, reports, documents and other materials shall be available for public inspection;

(4) ensure that at least one copy of each report, document, study or publication of the city or any of its administrations, departments, boards or other agencies shall be available at the center at all times;

(5) collect, compile and maintain data and information pertaining to the operation of the city as well as other municipalities, governmental bodies and public authorities and arrange for the exchange, sale, purchase and loan of information materials from and with legislative and research services, libraries and institutions in other municipalities, governmental bodies and public authorities; and

(6) ensure that each report, document, study or publication that is electronically transmitted to the department of records and information services pursuant to section 1133 of the charter is made available to the public on or through the website of the department, or its successor's website, within ten business days of publication, issuance, release or transmittal to the council or mayor.

c. The department shall:

(1) provide for the distribution of publications of the city, where such authority is not vested in another city agency, and issue at regular intervals, no less than annually, a bulletin describing its facilities and resources;

(2) institute actions in replevin to recover any historical and/or other documents properly owned by, or originating from, the city of New York;

(3) report annually by the thirtieth day of September to the mayor and city council on the powers and duties hereinmentioned including, but not limited to, the cost savings effectuated by the department during the preceding fiscal year. This report shall further include an evaluation of compliance with the requirements of subdivision a of section 1133 of the charter.

d. The department shall operate a municipal records management division, the head of which shall be a professional records manager. The center shall perform the following functions:

(1) develop and promulgate standards, procedures and techniques in relation to records management;

(2) make continuing surveys of operations relating to records and recommend improvements in current records management practices, including the use of space, equipment and materials employed in the creation, maintenance, storage and servicing of records;

(3) establish standards for the preparation of schedules for the disposition of records, providing for the retention of records and archives of continuing value, and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal or fiscal value to warrant their further retention; and

(4) establish, maintain and operate facilities for the storage, processing and servicing of records for all city agencies pending their deposit in the municipal archives or their disposition in any manner as may be authorized by law.

§ 829-b. Archival review board. The board shall continue in the department. It shall consist of five members; two of whom shall be appointed by the speaker, two of whom shall be appointed by the mayor, and one of whom shall be the commissioner, who shall serve ex officio as chairperson of the board. At least one such appointment shall be a professional archivist and at least one other such appointment shall be a professional historian. The members of the commission other than the chair shall be entitled to reasonable expenses. All appointed members of the commission shall be residents of the city. Members other than the commissioner shall serve for terms of four years. Vacancies in appointed membership of the board shall be filled by appointment by whosoever was responsible for such original appointment. The board shall meet once annually or upon the request of any of its members. Any member of such board shall have complete access, during work hours, to inspect and review any appraisal, organization, processing or archiving of city records in the custody of an entity with which an agreement has been entered into for the purposes specified in subdivision five of section 811. Such board may request and receive, from the department, assistance and data as may be necessary for the proper execution of its powers and duties. Such board shall render annually to the mayor a report reviewing the archival processing of any city papers during the year for which the report has been written.

§ 829-c. Departmental libraries. The commissioner shall, upon request, analyze the needs of each city agency, except the law department, with respect to the establishment and maintenance of any library or research facility therein, and make such recommendations as may be appropriate in the circumstances.

§ 829-d. Records and information services; rules and regulations. The commissioner shall promulgate rules and regulations to effectuate the purposes of this chapter with respect to records and information services, except that rules and regulations relating to the disposal of records pursuant to section eleven hundred thirty-three shall be issued by the commissioner after consultation with the corporation counsel and the comptroller.

§ 829-e. Municipal archives reference and research fund. a. The municipal archives reference and research fund shall be credited with all sums appropriated therefor, donations made thereto, and proceeds from the disposition of personal property which is in the custody of the department but was formerly in the custody of the department of records and information services and which the commissioner has determined is not a record which must be retained pursuant to law and is not necessary for archival, reference, or research purposes. Interest accruing on principal from all aforementioned sources also shall be credited to the fund.

b. The municipal archives reference and research fund established by this section shall be used, subject to the approval of the director of management and budget, by the department for purposes related to its library and archival research programs including, but not limited to, purchasing and conserving books and other records, financing lecture series and commissioning studies and articles.

§ 829-f. Definitions. As used in this chapter a. "Archives" means those official records which have been determined by the department to have sufficient historical or other value to warrant their continued preservation by the city;

b. "Records" means any documents, books, papers, photographs, sound recordings, machine readable materials or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official city business. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications are not included within the definition of records as used in this chapter;

c. "Records management" means the planning, controlling, directing, organizing, training, promoting and other managerial activities involved in records creation, records maintenance and use and records disposition, including but not limited to, the management of correspondence, forms, directives, reports, machine readable records, microfilms information retrieval, files, mail, vital records, equipment and supplies, office copiers, word processing and source data automation techniques, records preservation, records disposal and records centers or other storage facilities;

d. "Records management practices" means any system, procedure or technique followed with respect to effective records creation, records maintenance and use and records disposition;

e. "Records disposition" means: (1) The removal by a city agency, in accordance with approved records retention schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(a) the disposal of temporary records by destruction or donation;

(b) the transfer of records to the department, and

(c) the transfer to the department of records determined to have historical or other sufficient value to warrant continued preservation and

(2) the transfer of records from one city agency to any other city agency;

f. "Records creation" means any process involved in producing any recorded information necessary to conduct the business of a city agency;

g. "Records management division" means an establishment maintained by the department primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space;

h. "Servicing" means making information in records available to any city agency for official use or to the public; and

i. "Private entity" means a for-profit or not-for-profit corporation, or non-governmental organization, but shall not include the City and State Universities of New York, public libraries, including the New York Public Library, and any college or university in the city.

§ 3. Subdivision f of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, is amended to read as follows:

f. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of two years following the termination of the public employment of the person who filed the report. In the case of candidates for office who have filed reports pursuant to this section and who were not elected, the reports shall be retained by the board for a period of two years following the day of an election on which the candidates were defeated. Notwithstanding the foregoing, the board, in consultation with the department of [records and information services] *citywide administrative services* and the department of investigation, may establish by rule a different period or periods of retention of financial disclosure reports which takes into account the need for efficient records management and the need to retain such reports for a reasonable period for investigatory and other purposes. Such reports shall thereafter be destroyed by the board unless a request for public disclosure of an item contained in such report is pending. In lieu of the destruction of such reports, the board, in its discretion, may establish procedures providing for their return to the persons who filed them.

§ 4. Subdivision c of section 14-149 of the administrative code of the city of

New York, as amended by local law number 48 for the year 2004, is amended to read as follows:

c. The data contained in the 911 operational time analysis report required by paragraphs two through seven of subdivision b of this section shall be provided on a citywide, borough-wide, precinct-by-precinct and tour-by-tour basis. The 911 operational time analysis report shall be submitted to the council quarterly. In addition, the data contained in such report shall be incorporated in the mayor's preliminary and final management reports. Notwithstanding any other provision of law, the operational time analysis report required by subdivision b to be submitted to the council is not required to be transmitted in electronic format to the department of [records and information services] *citywide administrative services*, or its successor agency, and is not required to be made available to the public on or through the department of [records and information services] *citywide administrative services*' web site, or its successor's web site.

§ 5. Subdivision c of section 14-150 of the administrative code of the city of New York, as amended by local law number 1 for the year 2009, is amended to read as follows:

c. The information, data and reports requested in subdivisions a and b shall be provided to the council except where disclosure of such material could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations. Notwithstanding any other provision of law, the information, data and reports requested in subdivisions a and b are not required to be transmitted in electronic format to the department of [records and information services] *citywide administrative services*, or its successor agency, and are not required to be made available to the public on or through the department of [records and information services] *citywide administrative services*' web site, or its successor's web site. These reports shall be provided to the council within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 6. Subdivisions b and c of section 17-170 of the administrative code of the city of New York, as amended by local law number 59 for the year 1996, are amended to read as follows:

b. Original records of births, deaths, and fetal deaths filed with the department or the office of the city inspector subsequent to the year eighteen hundred sixty-five and the indexes to such records shall be transferred by the department to the department of [records and information services] *citywide administrative services* at such times as the board of health shall determine; said records shall be filed and maintained by the department of [records and information services] *citywide administrative services* as public records.

c. Upon the transfer of such records the commissioner of the department of [records and information services] *citywide administrative services* shall have the authority to issue upon request certified copies of or extracts from such records.

§ 7. Section BC 106.12 of the New York City Building Code, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 106.12 Pre-demolition photographs. In addition to the requirements of Section 3306.3, construction documents for full demolition shall comply with the following requirements for archival photographs:

1. Number required. Applications shall contain two sets of photographs of the building or buildings to be demolished or removed. Both sets shall be received by the department on behalf of the New York City Landmarks Preservation Commission and the New York City Municipal Archives Division of the Department of [Records and Information Services] *Citywide Administrative Services*.

2. Format. The photographs shall conform to the standards and specifications established by rules promulgated by the commissioner upon the advice of the commissioner of the Department of [Records and Information Services] *Citywide Administrative Services* and the chairperson of the Landmarks Preservation Commission.

Exception: Applications made on behalf of the Department of Housing Preservation and Development or made pursuant to Article 215 of Chapter 2 of title 28 of the Administrative Code are exempt from the requirements of this section.

§ 8. Subdivision f of section 1066 of the charter of the city of New York, as amended by local law 59 for the year 1996, is amended to read as follows:

f. The commissioner of citywide administrative services shall provide copies of each issue of the City Record to the municipal reference and research center where they shall be available without charge to any member of the public requesting a copy on the publication date or within a reasonable period of time thereafter, to be determined by the commissioner [of records and information services]. The commissioner shall also provide free subscriptions to the City Record to each borough president, council member, community board, and branch of the public library and to the news media as defined in paragraph three of subdivision b of section one thousand forty-three of the charter. The commissioner of citywide administrative services, each borough president, council member and community board shall, upon receipt, make copies of each issue of the City Record available in their respective offices for reasonable public inspection without charge.

§ 9. Subdivision a of section 1133 of the charter of the city of New York, as amended by local law number 11 for the year 2003, subdivision b of section 1133 of the charter of the city of New York, as amended by local law number 22 for the year 2003, and subdivision c of the charter of the city of New York, as added by local law number 22 for the year 2003, are amended to read as follows:

a. The head of each agency shall transmit to the municipal reference and research center at least one copy of each report, document, study or publication of such agency immediately after the same shall have been published or issued. The head of each agency shall also transmit to the department of [records and information services] *citywide administrative services* or its successor agency, in electronic format, each report, document, study and publication required by local law, executive order, or mayoral directive to be published, issued, or transmitted to the council or mayor, within ten business days of such publication, issuance or transmittal to the council or mayor, which materials shall be made available to the public on or through the department's website, or its successor's website, within ten business days of such publication, issuance or transmittal to the council or mayor. The agency shall further transmit to the municipal reference and research center one copy of each report, document, study or publication prepared by consultants, or other independent contractors, as soon as such report or study is released, and shall further transmit within ten business days of release by the agency, in electronic format, to the department of [records and information services] *citywide administrative services* each such report, document, study or publication. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of release by the agency. Where practicable, each agency shall also transmit, in electronic format, to the department of [records and information services] *citywide administrative services* or its successor agency any report, document, study and publication required to be published by any state or federal law, rule or regulation within ten business days of publication. Such materials shall further be made available to the public on or through the department's website, or its successor's website, within ten business days of such publication.

b. No records shall be destroyed or otherwise disposed of by an agency, officer or employee of the city unless approval has been obtained from the commissioner of [records and information services] *citywide administrative services*, the corporation counsel and the head of the agency which created or has jurisdiction over the records who shall base their determinations on the potential administrative, fiscal, legal, research or historical value of the record. Approval for records disposal shall be contained in an approved records disposal schedule and remain in force until the status of the records changes. The commissioner of [records and information services] *citywide administrative services* or the head of the agency which created or has jurisdiction over the records may initiate action to eliminate records eligible for disposal. The commissioner of [records and information services] *citywide administrative services* shall insure the destruction of disposable records within six months of the date of eligibility.

c. Records of historical, research, cultural or other important value shall be transferred to the municipal archives for permanent custody pursuant to a records disposition schedule approved by the commissioner of [records and information services] *citywide administrative services* and, if applicable, the head of the agency which created or has jurisdiction over the records. Such schedule is subject to the conditions set forth herein. The city shall reserve and retain ownership, possession, and control of all records of historical, research, cultural or other important value in accordance with the provisions of this section and [subdivision] *paragraph* five of *subdivision c of* section [3003] *811*.

§ 10. Chapter 72 of the charter of the city of New York is REPEALED.

§ 11. 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 or 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 exercise. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, power or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provision of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant tot his local law.

§ 12. 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.

§ 13. If any of the functions, powers or duties of any agency or part therof 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.

§ 14. 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.

§ 15. 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.

§ 16. 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.

§ 17. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power or 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.

§ 18. 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.

§ 19. This local law shall take effect thirty days after its enactment into law.

Referred to the Committee on Governmental Operations.

Int. No. 487

By Council Members Brewer, Vacca, Cabrera, Dromm, James, Koppell, Lander, Mendez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of detectable warning surfaces.

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 19-183.1 to read as follows:

§19-183.1 Detectable warning surfaces. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Bike lane" shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

2. "Detectable warning surfaces" shall mean a surface feature of truncated dome material built in or applied to the walking surface to advise visually impaired people of an upcoming change from a pedestrian to a vehicular way.

3. "Pedestrian plaza" shall mean an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

b. The department, in consultation with the mayor's office for people with disabilities, shall install detectable warning surfaces around the perimeter of pedestrian plazas and bike lanes.

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

Referred to the Committee on Transportation.

Int. No. 488

By Council Members Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, Koppell, Lander, Lappin, Mealy, Mendez, Reyna, Rose, Van Bramer, Williams, Foster, Halloran, Koo and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

Be it enacted by the Council as follows:

Section 1. Chapter forty-six of the New York City Charter is amended by adding a new section 1056-b to read as follows:

§ 1056-b. Posting of sample ballots online by the board of elections. The board of elections shall make available on its website, at least one week before an election, sample ballots that adhere to the requirements of section 7-118 of the election law.

§2. This local law shall take effect ninety days following enactment.

Referred to the Committee on Governmental Operations.

Res. No. 686

Resolution calling on the United States Congress to pass and the President to sign into law the "Large Capacity Ammunition Feeding Device Act" (H.R.308/S.32), which would prohibit the transfer or possession of large capacity ammunition feeding devices unless otherwise permissible by law.

By Council Members Brewer, Jackson, Cabrera, Chin, Comrie, Dromm, Fidler, Gentile, James, Koppell, Lander, Mendez, Rose, Vann and Williams.

Whereas, A gun's magazine is the internal or detachable feeding device designed to hold a gun's ammunition; and

Whereas, A large magazine can hold many bullets, which enables an individual to fire many rounds without the need to reload the gun; and

Whereas, These large magazines are intended for military purposes rather than civilian use; and

Whereas, Despite the destructive nature of these magazines, it is lawful in some states, such as Arizona, for an individual to purchase magazines that hold more than 10 rounds of ammunition; and

Whereas, The danger of these magazines was evident during the January 8, 2011, shooting in Tucson, Arizona, in which Jared Lee Loughner used a Glock 19 semi-automatic handgun equipped with a large-capacity ammunition magazine to shoot many innocent individuals; and

Whereas, Mr. Loughner fired more than 30 shots from one magazine before he paused to reload his handgun, but was captured before he could continue firing; and

Whereas, This tragic shooting resulted in 6 people being killed including a federal judge and a 9-year-old girl, and 14 people being severely injured including U.S. House Representative Gabrielle Giffords; and

Whereas, Handguns with such powerful magazines have wreaked havoc in the past, including in the Virginia Tech and Columbine incidents; and

Whereas, In previous years federal regulations governing the purchase of large capacity magazines have been more restrictive; the Federal Violent Crime Control and Law Enforcement Act of 1994 included a section limiting civilian ownership of large capacity magazines to 10 rounds; and

Whereas, The ban had a 10-year sunset provision and Congress failed to renew it when it expired in 2004; and

Whereas, Despite the federal government's failure to take action on this important issue, some state governments have implemented a ban on large capacity magazines; and

Whereas, In fact, according to the Brady Center to Prevent Gun Violence, there are currently six states-New York, California, Hawaii, Maryland, Massachusetts, and New Jersey, and the District of Columbia, which ban the sale of high-capacity gun magazines that hold more than 10 rounds; and

Whereas, Given how easy it was for Jared Lee Loughner and other individuals to purchase these magazines and inflict massive causalities, the federal government should reinstate the ban; and

Whereas, In order to prevent further gun violence, Congresswoman Carolyn McCarthy and Senator Frank Lautenberg introduced H.R.308 and S.32, respectively, known as the "Large Capacity Ammunition Feeding Device Act," which would amend the United States Code by prohibiting the transfer or possession of large capacity ammunition feeding devices; and

Whereas, This bill would define "large capacity ammunition feeding device" as a magazine, belt, drum, feed strip or similar device that can accept more than 10 rounds of ammunition, but does not include an attached tubular device designed to operate with .22 caliber rimfire ammunition; and

Whereas, Under this bill, it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device unless it was lawfully possessed before the bill was enacted; and

Whereas, The bill would provide exceptions for active and retired law enforcement, for certain federal and state departments and agencies, and would allow the manufacture, transfer, or possession of large capacity magazines for authorized testing or experimentation; and

Whereas, Anyone violating the magazine ban would face a fine, a sentence of imprisonment of no more than 10 years, or both; and

Whereas, Many gun violence prevention organizations support this bill including the Brady Center to Prevent Gun Violence and the Citizens Crime Commission; and

Whereas, Congress and the President should act swiftly on this bill in order to prevent any further shootings committed by individuals with guns with large capacity magazines; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the "Large Capacity Ammunition Feeding Device Act" (H.R.308/S.32), which would prohibit the transfer or possession of large capacity ammunition feeding devices unless otherwise permissible by law.

Referred to the Committee on Public Safety.

Res. No. 687

Resolution calling on the New York City Congressional Delegation and President Barack Obama to prevent cuts to the Community Services Block Grant Program.

By Council Members Comrie, Brewer, Cabrera, Chin, Dickens, Dromm, Fidler, Gonzalez, James, Lander, Mealy, Mendez, Rose, Sanders, Vann, Williams, Foster and Koo.

Whereas, The Community Services Block Grant (CSBG) Program provides federal funding to states and localities in order to support a broad range of community-based programs that combat poverty, empower people to achieve self-sufficiency, and revitalize low-income communities; and

Whereas, President Obama's current budget proposal for Federal Fiscal Year 2012 includes a 50 percent cut to CSBG, and would eliminate formula allocation to Community Action Agencies across the nation and replace it with a competitive grant program; and

Whereas, The United States House of Representatives passed a continuing resolution with no further funding for CSBG, effectively eliminating the program for the remainder of Federal Fiscal Year 2011; and

Whereas, The New York State Department of State, Division of Community Services administers the New York State CSBG program; and

Whereas, The Department of Youth and Community Development, the designated Community Action Agency for New York City, administers the CSBG program locally; and

Whereas, In Federal Fiscal Year 2011 New York City received $31.9 million in funding from the CSBG program, which continues to fund more than 200 community-based organizations and serve more than 30,000 people; and

Whereas, In Federal Fiscal Year 2011 New York City contributed $7.98 million in matching tax levy funds to community-based organizations that receive CSBG program funding; and

Whereas, Community-based organizations have used this support to leverage additional resources and to strengthen their ability to provide critical services to neighborhoods, including educational support, leadership development and job readiness trainings for at risk youth; domestic violence prevention, nutrition education and parenting skills for families; social and cultural services for seniors; and legal services for immigrants; and

Whereas, The elimination of CSBG program funding would severely impact every low-income community in New York City by reducing the availability of resources that are essential for overcoming poverty and achieving economic independence; and

Whereas, The elimination of such programs would amount to an unacceptable erosion of the social service infrastructure of New York City; and

Whereas, The elimination of CSBG funding would signal a federal disengagement from the current efficient and successful community development model; and

Whereas, Hundreds of New Yorkers employed by community based organizations and other service providers will potentially lose their jobs; and

Whereas, These cuts threaten to undermine our nation's and City's fragile economic recovery; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Congressional Delegation and President Barack Obama to prevent cuts to the Community Services Block Grant Program.

Referred to the Committee on Finance.

Res. No. 688

Resolution calling upon the New York State Legislature to amend the Penal Law by creating the crime of aggravated criminal use of a firearm for discharging a firearm on school grounds or public park lands.

By Council Members Dickens, Brewer, Cabrera, Chin, Comrie, Fidler, Gentile, Mendez, Nelson, Sanders, Williams and Foster.

Whereas, Every year gun violence kills many individuals and destroys many communities throughout the United States; and

Whereas, Gun violence claimed the lives of over 30,000 people in the United States each year for the past several years; and

Whereas, New York City sees gun violence kill innocent victims far too frequently; and

Whereas, On April 26, 2009, a stray bullet struck Christopher Owen, a 13-year-old boy, in New York City, three blocks away from Marcus Garvey Park; and

Whereas, Christopher later died in the hospital as a result of being struck by the bullet; and

Whereas, On October 3, 2009, Kevin Miller, a 13-year-old boy, was shot in the head after he and a friend stumbled upon a fight near Campus Magnet High School in Queens; and

Whereas, On November 16, 2009, Vada Vasquez, a 15-year-old girl, was shot in the head by members of a gang while she was walking home from school in the Bronx; and

Whereas, Although fortunately Vada Vasquez recovered from her injuries, firing firearms near schools and parks puts children at particular risk and must be both discouraged and punished; and

Whereas, In order to curb gun violence, New York City already has several limitations in place on the possession of handguns; and

Whereas, One major restriction on possessing a handgun is the need to obtain a permit or license for the weapon before such possession is lawful; and

Whereas, Permits and licenses are necessary to ensure that individuals who are likely to abuse firearms do not have easy access to such weapons; and

Whereas, Despite these efforts, gun violence continues to claim the lives of innocent victims; and

Whereas, To address the growing gun violence issue, the New York State Legislature should amend the Penal Law by creating the crime of aggravated criminal use of a firearm for discharging a firearm on school grounds where the discharge is not part of a training or public park lands not designated for hunting; and

Whereas, Additionally, the new law should include a sentencing provision, which would require a 5-year consecutive sentence for criminal use of a firearm in connection with certain violent felonies; and

Whereas, Children should feel safe everywhere, but especially at schools and parks; and

Whereas, At times when gun violence seems ubiquitous, schools and parks should be protected from this violence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law by creating the crime of aggravated criminal use of a firearm for discharging a firearm on school grounds or public park lands.

Referred to the Committee on Public Safety.

Int. No. 489

By Council Members Dromm, Brewer, Cabrera, Gentile, James, Lander, Mealy, Nelson, Williams and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is hereby amended to add a new section 19-170.1, to read as follows:

§ 19-170.1. Limitation on parking of motor vehicles by dealers. a. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store or otherwise maintain a motor vehicle upon any street of the city for the purpose of: (i) displaying such motor vehicle for sale, or (ii) greasing or repairing such motor vehicle, except in the case of an emergency repair.

b. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store, or otherwise maintain on any street a motor vehicle that is in the dealer's possession while awaiting repair or subsequent return to the owner or lessee of such motor vehicle. Any dealer in possession of a motor vehicle awaiting repair or subsequent return to the owner or lessee of such motor vehicle shall, at all times, display a placard, clearly legible through the motor vehicle's forward windshield, indicating the name, address, license number and telephone contact information of such dealer.

c. Each violation of this section shall be punishable by a fine of not less than two hundred fifty dollars and not more than four hundred dollars. For purposes of this section, every day that any single motor vehicle is parked illegally shall be considered a separate violation.

d. If an owner or lessee of a motor vehicle receives a summons for a parking violation on the date and time such motor vehicle was in the possession of a dealer awaiting repair or subsequent return to such owner or lessee, it shall be an affirmative defense that such motor vehicle was in the possession of such dealer at the time of the violation alleged in the summons. If such defense is successful, the commissioner is authorized to issue a summons, violation, or to otherwise prosecute the dealer in possession of such motor vehicle on the date and time of the offense alleged in the original summons.

e. Any motor vehicle parked in violation of paragraph a of this section shall be subject to impoundment. Any motor vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate regulations concerning the procedure for the impoundment and release of motor vehicles pursuant to this subdivision.

f. If a motor vehicle is impounded or receives a summons while in the possession of a dealer who is not the owner or lessee of such motor vehicle, such owner or lessee shall have a private cause of action against any dealer who was in possession of the motor vehicle at the time of such impoundment or the issuance of such summons.

g. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 689

Resolution calling on the United States Food and Drug Administration to make "gluten-free" labeling of foods mandatory.

By Council Members Dromm, Brewer, Koppell, Mendez, Nelson, Reyna, Rose, Sanders, Williams and Lappin.

Whereas, The number of Americans with celiac disease, a chronic inflammatory disorder of the small intestine and gluten intolerances has been estimated to be 1 in 133; and

Whereas, Celiac disease is triggered by ingesting certain proteins, commonly referred to as "gluten" which is naturally present in some cereal grains; and

Whereas, In those suffering from celiac disease gluten causes a variety of serious health problems including: iron deficiency anemia, delayed puberty, infertility, osteoporosis, hepatitis, peripheral neuropathy, ataxia, and epilepsy; and

Whereas, The United States Food and Drug Administration (FDA) proposed a rule to make "gluten-free" labeling voluntary for food product manufacturers; and

Whereas, The proposed rule seeks to define "gluten-free" for food labeling purposes in order to ensure that consumers know what is in the food products they purchase; and

Whereas, There is no regulatory definition of the term "gluten-free" in the United States; and

Whereas, However, a standardized definition of the term "gluten-free" would assist food product manufacturers by providing them with a clear definition of the term, thereby eliminating any uncertainty as to how they may label their products; and

Whereas, A standardized definition of the term "gluten-free" can serve to protect the public health by providing consumers with celiac disease, and others who must avoid gluten in their diet, with the assurance that food products bearing this labeling meet a clear standard established and enforced by FDA; and

Whereas, For those who must closely monitor the potential use of gluten in their diets, the mandatory labeling of foods as "gluten-free" would help those individuals better regulate their diets; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Food and Drug Administration to make "gluten-free" labeling of foods mandatory.

Referred to the Committee on Health.

Int. No. 490

By Council Members Gennaro, Cabrera, Chin, Comrie, Fidler, Gentile, James, Lander, Mealy, Nelson, Reyna, Rose, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to cancelling tickets upon showing of valid receipt.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows:

§19-214. Cancellation of certain tickets. a. For the purposes of this section, the term "munimeter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Any individual, hereinafter referred to as "agent," employed by the city of New York who issue notices of violation, hereinafter referred to as a "ticket," returnable at the parking violations bureau shall cancel such ticket that such agent has begun or completed to write, when, within ten minutes of the completion of the writing of the ticket, such agent is shown a valid munimeter receipt with the official time stamp of up to five minutes prior to or post the commencement of the writing of the ticket, and such ticket was for failure to pay the metered fare. Such cancellation shall be marked on such ticket, "valid munimeter receipt shown; ticket cancelled." Such agent shall also record the number of the munimeter receipt shown by the individual. Such ticket shall not be docketed by the parking violations bureau or any other city agency.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Transportation.

Int. No. 491

By Council Members Halloran, Cabrera, Chin, Fidler, James, Koppell, Mealy, Williams, Foster, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report on gang-related arrests in schools.

Be it enacted by the Council as follows:

Section 1. Section 14-152 of the administrative code of the city of New York is amended to read as follows:

14-152. School activity reporting. a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Non-criminal incident" shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct; harassment; loitering; or possession of marijuana.

2. "School safety agent" shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

3. "Gang" shall mean a criminal street gang, as defined in subdivision b of section 10-170 of chapter one of title ten of this code.

4. "Gang motivated incident," shall mean an incident involving unlawful conduct committed primarily to benefit the interests of a gang.

b. Report of activity relating to schools. The department shall submit to the council on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department;

2. in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), [and](ii) whether the charge was a felony, misdemeanor or violation*, and (iii) whether the charge resulted from a gang motivated incident*; and

3. the number and type of non-criminal incidents that occurred.

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

Referred to the Committee on Public Safety.

Int. No. 492

By Council Members Halloran, Mealy and Sanders.

A Local Law to amend the New York City Charter, in relation to records access by council members.

Be it enacted by the Council as follows:

Section 1. Section 1134 of the New York City Charter is amended to read as follows:

§1134. *Transmission of reports and records. a.* The head of each agency shall promptly transmit to the council copies of all final reports or studies which the charter or other law requires the agency or any official thereof to prepare. The head of each agency shall also promptly transmit to the council copies of all final audits, audit reports and evaluations of such agency prepared by state or federal officials or by private parties.

b. Within five business days of receipt of a written request from a council member for reasonably described records, as defined by section 86(4) of the public officers law, to be used in furtherance of his or her official duties, the records access officer designated by each agency shall make such records available to the council member, deny such request in writing or furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied. If an agency determines to grant a request in whole or in part, and if circumstances prevent disclosure to the council member within ten business days from the date of the acknowledgement of the receipt of the request, the agency shall state, in writing, both the reason for the inability to grant the request within ten business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part. For purposes of requests made pursuant to this section, an agency may withhold information on the grounds set forth in section 87(2) of the public officers law. A council member who is denied access to a record or records may within five business days appeal in writing such denial to the agency's records access appeals officer, who shall within five business days of receipt of such appeal fully explain in writing to the council member the reasons for further denial, or provide access to the record or records sought. Failure by an agency to conform to the provisions of this section shall constitute a denial. A council member who is denied access to a record or records in an appeal determination may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules.

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

Referred to the Committee on Governmental Operations.

Res. No. 690

Resolution proclaiming that the New York City Council stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

By Council Members Jackson, Brewer, Chin, Comrie, Dickens, Dromm, Gentile, Gonzalez, James, Koppell, Lander, Mealy, Mendez, Rivera, Rose, Sanders Jr., Van Bramer, Williams, Foster, Vacca, Eugene, Barron, Wills, Levin, Cabrera, Weprin, Mark-Viverito and Koslowitz.

Whereas, Union's in the United States are legally recognized as representatives of workers in the public and private sectors; and

Whereas, In 2010, union members accounted for 24.2 percent of wage and salary workers in New York while the national average was 11.9 percent; and

Whereas, New York's union membership rate was the highest in the nation in 2010; and

Whereas, Unions use collective-bargaining to secure wages, benefits, and working conditions for their membership; and

Whereas, Collective-bargaining helps to regulate conditions of employment such as discrimination and exploitation of workers; and

Whereas, Public workers in New York and across the country educate our children, maintain our highways, ensure our safety, care for our seniors and are stewards of our health; and

Whereas, Public workers in Wisconsin, and Ohio are facing legislative proposals to eliminate their collective-bargaining rights; and

Whereas, According to published reports such as those in the New York Times, the legislative proposals include assaults on basic fundamental functions of unions including (1) provisions restricting the ability of municipal unions to bargain over non-wage terms of employment, (2) provisions limiting bargaining for wages by subjecting certain wage increases to voter referenda, and (3) provisions requiring annual votes for the union to continue representing public employees; as well as proposals to drastically change their pensions and pension related benefits and require substantially higher proportions of their salaries to be contributed for health care coverage; and

Whereas, Public workers in other states are facing similar legislative proposals and benefit reductions; and

Whereas, These proposals demonstrate an anti-worker trend, are short sighted and will adversely impact the majority of public workers who are already struggling with the cost of homeownership, housing, health care and education costs; and

Whereas, Current proposals to balance state budgets in Wisconsin and Ohio are not representative of thoughtful collaboration or dialogue between government and citizens and do little to promote dignity for public workers; and

Whereas, The leadership of Wisconsin, Ohio and all other states must consider all options as they resolve to mediate budget shortfalls and simultaneously consider the concerns of the citizens they were elected to serve; now, therefore, be it

Resolved, That the Council of the City of New York stands in solidarity with public workers in Wisconsin, Ohio, and in other states around the country as their struggle for dignity and economic security is one shared by all New Yorkers and Americans.

Referred to the Committee on Civil Service and Labor.

Int. No. 493

By Council Members James, Cabrera, Chin, Comrie, Dromm, Fidler, Gentile, Gonzalez, Koppell, Mealy, Mendez, Rose, Sanders, Van Bramer, Vann, Williams, Foster, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to providing information about free foreclosure prevention assistance.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-740.1 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

6. Information on obtaining free foreclosure prevention assistance.

§2. This local law shall take effect 90 days after enactment, except that the commissioner of consumer affairs shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 691

Resolution calling upon the New York City Department of Health and Mental Hygiene to study the effects of fluoride in tap water.

By Council Members James, Cabrera, Chin, Mealy, Mendez, Rose, Williams, Foster and Koo.

Whereas, Water fluoridation is the practice of adding fluoride compounds to water with the intended purpose of reducing tooth decay; and

Whereas, Fluoridation of drinking water has been common in the United States for more than fifty years, and most of the country's municipalities fluoridate their water supplies; and

Whereas, In 1986, the Environmental Protection Agency (EPA), established a maximum allowable concentration of 4 milligrams of fluoride per liter of water (4mg/L), a guideline designed to prevent the public from being exposed to harmful levels of fluoride; and

Whereas, According to a 2002 study, about two-thirds of the U.S. population and 46 of the nation's 50 largest cities receive fluoride through their community water system; and

Whereas, The Centers for Disease Control and Prevention (CDC) have proclaimed community water fluoridation (along with vaccinations and infectious disease control) as one of ten great public health achievements of the 20th century; and

Whereas, According to the American Dental Association (ADA), water fluoridation reduces dental decay by 40 to 59 percent, and past comprehensive reviews of the safety and effectiveness of fluoride in water have concluded that water fluoridation is safe and is the most cost-effective way to prevent tooth decay among populations living in areas with adequate community water supply systems; and

Whereas, Concerns have been raised, however, over the quality of previous research demonstrating the efficacy and safety of water fluoridation, as growing evidence suggests that flurodiation poses serious health risks affecting teeth, bones, the brain and the thyroid gland; and

Whereas, In 2005, the U.S. National Institutes of Health (NIH), a research agency associated with the U.S. Department of Health and Human Services, evaluated 562 dental studies on fluoride use and reported that the studies were small, poorly described, or otherwise methodologically flawed; and

Whereas, In March 2006, the National Research Council (NRC) conducted a study to determine whether the current amount of fluoride allowed in drinking water poses a health risk to Americans; and

Whereas, After reviewing research on various health effects from exposure to fluoride, including studies conducted in the last 10 years, the NRC reported that constant exposure to fluoride at the current maximum level results in severe dental fluorosis (tooth enamel loss and pitting) in children, and increases the risk of bone fractures and skeletal fluorosis (painful stiffening of the joints) in adults; and

Whereas, The NRC concluded that the EPA's current limit for fluoride in drinking water does not protect against adverse health effects, and recommended that the federal government lower its fluoridation level limit because of health risks to both children and adults, but did not indicate what the limit should be; and

Whereas, Optimal fluoride levels for drinking water, as recommended by the U.S. Public Health Service and the CDC, range from 0.7 mg/L for warmer climates to 1.2 mg/L for cooler climates to account for the tendency for people to drink more water in warmer climates; and

Whereas, All New York City tap water has been fluoridated since 1966 in accordance with the New York City Health Code, at a concentration of one milligram per liter (1mg/L); and

Whereas, Some researchers question whether even adding 1mg/L of fluoride into tap water is acceptable since there is no universally accepted optimal level for daily fluoride intake and there lacks scientifically valid evidence proving the safety or effectiveness of water fluoridation; and

Whereas, An article published in the *Journal of Public Health Dentistry* in 2003 stated that despite fluoridation, severe tooth decay is responsible for two-thirds of hospital visits by children under six in New York State; and

Whereas, According to a report by the CDC, proportionately more children in New York City required cavity-related hospitalizations than two of New York State's largest non-fluoridated counties, Suffolk and Nassau (in Long Island); and

Whereas, Similarly, twenty-one percent of Brooklyn's and twenty percent of Queens' residents have less teeth as compared to residents of non-fluoridated Suffolk and Nassau counties; and

Whereas, Although most fluoridated water contains much less than the EPA limit, studies challenging the safety and effectiveness of fluoridation have raised uncertainty about whether these lower amounts help to prevent health risks; and

Whereas, As there seems to be a significant amount of questionable data on the safety and efficacy of fluoride in tap water, additional extensive studies should be conducted to determine any actual effects; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Health and Mental Hygiene to study the effects of fluoride in tap water.

Referred to the Committee on Health.

Int. No. 494

By Council Members Lander, Comrie, Fidler, Vann, Williams, Brewer, Cabrera, Chin, Dickens, Dromm, Gentile, James, Jackson, Mark-Viverito, Mendez, Rose, Rivera, Ferreras, Foster, Gonzalez, Van Bramer, Wills, Eugene, Levin, Rodriguez, Sanders, Seabrook, Vacca, Palma, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of a bond to ensure compliance with building and maintenance requirements by holders of mortgages commencing foreclosure actions.

Be it enacted by the Council as follows:

Section 1. Article 2 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York, is amended by adding a new section 27-2109.1 to read as follows:

§27-2109.1 Compliance bond to be posted by foreclosing mortgagees*. Any mortgagee that commences an action or has commenced an action in a court of competent jurisdiction in the state of New York to foreclose upon a mortgage on real property located within the city of New York shall at such mortgagee's expense, procure and maintain until either the issuance of a judgment in such foreclosure or discontinuance or dismissal of such foreclosure action, a compliance bond. The commissioner shall by rule establish the formula to determine the amount of such compliance bond based on a percentage of the assessed valuation of such real property, except that such bond shall not be in an amount less then ten thousand dollars. Such compliance bond shall be used to reimburse the department with respect to repairs made in accordance with section 27-2125 of the administrative code and any fines or civil penalties imposed as a result of violations issued with respect to such property by the department or any other city agency during the pendency of the foreclosure. Proof of such compliance bond shall be submitted to the department in accordance with the rules of the department.*

§2. This local law shall take effect one hundred twenty days after its enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 692

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law A.1306 and S.1337, in relation to requiring all passengers of motor vehicles sixteen years and older to be restrained by safety belts.

By Council Members Levin, Mendez, Williams and Foster.

Whereas, Currently New York State Law requires that passengers sixteen years or younger must be restrained by a safety belt while in the front seat of a motor vehicle and does not require seat belts to be worn by passengers in the back seat, unless the driver holds a junior license or a learning permit; and

Whereas, According to the Insurance Institute for Highway Safety, only 69% of front seat passengers used seat belts in 2008, and approximately one out of every six vehicle occupants do not wear a seat beat; and

Whereas, A National Highway Traffic Safety Administration (NHTSA) survey found that only 58% percent of passengers reported wearing a seat belt when they were riding in the back seat; and

Whereas, The use of safety belts has been proven to mitigate the occurrence of death and severe injury caused by motor vehicle accidents; and

Whereas, The requiring of seat belt use for all front seat passengers and all back seat passengers would protect many lives and fatal motor vehicle accidents in the State of New York; and

Whereas, With the passage of A.1306 or S.1337 New York State would join twenty-five other states, and the District of Columbia, which have already enacted similar legislation mandating all passengers to wear seat belts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign into law A.1306 and S.1337, in relation to requiring all passengers of motor vehicles sixteen years and older to be restrained by safety belts.

Referred to the Committee on Transportation.

Res. No. 693

Resolution calling on the United States Senate to ratify the Convention on the Rights of the Child in order to enable New York City to participate in proceedings before its monitoring body.

By Council Members Rodriguez, Dromm, Cabrera, Koppell, Lander, Mendez, Vann and Williams.

Whereas, The Convention on the Rights of the Child ("the Convention") was adopted by the United Nations General Assembly on November 20, 1989 and became effective as an international treaty on September 2, 1990; and

Whereas, Ratified by 193 countries, the Convention is a legally binding international treaty intended to preserve and protect the human rights of children, including "the right to survival, to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life;" and

Whereas, Though the United States was heavily involved in the drafting of the Convention and formally signed it in 1995, the country has yet to ratify it, freeing it from any legal adherence to the treaty's provisions; and

Whereas, To date, the United States and Somalia are the only two member countries of the United Nations that have not ratified the Convention, with the latter lacking a functioning government necessary to do so; and

Whereas, The failure of the United States to ratify the Convention has been blamed on the belief within certain communities that it infringes on the rights of the nation, of individual states, and of parents and families; and

Whereas, Ratification of the Convention by the United States would protect children, including those who live in New York City, against government intrusion and abuse and provide strong support for the role of parents and the family structure; and

Whereas, The Convention would provide a comprehensive framework within which the government can assess and address, in a consistent manner, the human rights and constitutional protections of our children; and

Whereas, If the United States ratified the Convention, the government would be required to submit reports to the Convention's monitoring body, the Committee on the Rights of the Child ("the Committee"), and to respond to questions about the progress of the protection of human and legal rights of children throughout the United States, including within the City of New York; and

Whereas, The City of New York has high aspirations and standards for all of its children and families and is constantly looking for ways to improve their lives and to ensure an environment that protects children and promotes their best interests; and

Whereas, In 2009, there were 59,249 cases of child abuse and neglect reported in New York City, of which 42.1% were found to be substantiated by ACS, and several other egregious cases that were mismanaged and resulted in the death of a child, including Nixmary Brown in 2006 and Marcella Pierce in 2010; and

Whereas, Upon ratification of the Convention of the Rights of the Child, community-based organizations and other entities in New York City will be able to participate in the proceedings of the Committee and compel the U.S. government to implement the Committee's recommendations; and

Whereas, The City of New York also recognizes that all persons are entitled to their human rights without any discrimination and that these rights are universal, interrelated, interdependent and indivisible; and

Whereas, Ratification of the Convention on the Rights of the Child would affirm our country's commitment to protect children and to guarantee their safety and well-being; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to ratify the Convention on the Rights of the Child in order to enable New York City to participate in proceedings before its monitoring body.

Referred to the Committee on General Welfare.

Res. No. 694

Resolution that celebrates "Harriet Tubman Day" on March 10, 2011, and supports Senate Bill S.247, sponsored by U.S. Senators Charles Schumer (D-NY), Kirsten Gillibrand (D-NY), Benjamin Cardin (D-MD) and Barbara Mikulski (D-MD), that would create two national historic park sites in New York and Maryland, in honor of Harriet Tubman, who escaped slavery to become the most famous conductor on the Underground Railroad.

By Council Members Vann, Brewer, Cabrera, Chin, Comrie, Dickens, Dromm, Fidler, James, Koppell, Lander, Mealy, Mendez, Nelson, Rose, Sanders, Van Bramer, Williams, Wills, Foster, Eugene, Koslowitz, Levin and Halloran.

Whereas, Harriet Tubman, a renowned African-American abolitionist, humanitarian and civil rights pioneer, escaped slavery to become the most famous "conductor" of the anti-slavery resistance network known as the Underground Railroad; and

Whereas, Harriet Tubman was born in Dorchester County, Maryland in 1822, where she spent nearly 30 years as a slave; and

Whereas, Harriet Tubman escaped slavery in 1849, she repeatedly returned for more than 10 years to Dorchester and Caroline Counties where she led hundreds of African-Americans to freedom; and

Whereas, In 1857, Harriet Tubman relocated her parents from St. Catharines, Ontario to Auburn, New York, where she purchased land and eventually died on March 10, 1913; and

Whereas, "Harriet Tubman Day" will be held on March 10, 2011 to commemorate the anniversary of her death; and

Whereas, "Harriet Tubman Day," was established by New York State law in 2003, and occurs annually on March 10th in recognition of her remarkable life, outstanding leadership and as a prominent New York resident; and

Whereas, In addition to helping to free slaves on the Underground Railroad, she made several major contributions throughout her life; and

Whereas, During the American Civil War, Harriet Tubman worked for the Union Army, first as a cook and a nurse, and then as an armed scout and spy; and

Whereas, She guided the Combahee River Raid in South Carolina, liberating more than 700 slaves, and making her the first black woman to lead an armed expedition in the war; and

Whereas, After the war, she returned to Auburn, New York, to care for her aging parents in their family home, and later founded a home for elderly African-Americans; and

Whereas, After her death, she was buried in Fort Hill Cemetery in Auburn with military honors, and she has received several other honors since that time; and

Whereas, In 1944, the United States Maritime Commission launched the SS Harriet Tubman, its first Liberty ship ever named for a black woman, and the United States Postal Service issued a stamp in her honor in 1978; and

Whereas, On February 1, 2011, U.S. Senators Charles Schumer (D-NY), Kirsten Gillibrand (D-NY), Benjamin Cardin (D-MD), and Barbara Mikulski (D-MD), introduced legislation, S.247, which would establish the Harriet Tubman National Historic Park in Auburn, New York, and the Harriet Tubman Underground Railroad Historical Park Act in Maryland; and

Whereas, The National Parks Service endorsed Senate Bill S.247 determining through a multi-year study that Auburn is a suitable location for a national park to preserve and promote the life and legacy of Harriet Tubman; and

Whereas, A national park will provide an important place where Americans of all backgrounds can come together and reflect on the significance of Harriet Tubman's life; and

Whereas, The Harriet Tubman Historical Park in Auburn, New York would include important historical sites such as Tubman's home, the Home for the Aged that she established, The African Methodist Episcopal Zion Church, where she was an active member, and the Fort Hill Cemetery where she was buried; and

Whereas, Senate Bill S.247 will provide a significant boost to the regional tourism industry in Auburn, New York and provide funds for the development and construction of interpretive historical materials to help visitors understand Harriet Tubman's contribution to Central New York and the United States as a whole; and

Whereas, The Harriet Tubman Underground Railroad National Historical Park Act in Maryland will trace her life on the Eastern Shore of Maryland, where she was one of the leaders of the Underground Railroad and include nearly 5,700 acres of historic land and sites, including the Poplar Neck Plantation that she escaped from in 1849, a memorial garden and walking paths; and

Whereas, Harriet Tubman is a remarkable American hero whose unwavering commitment to helping others while risking her own life in the struggle for equality continues to inspire today's leaders and generations of Americans; and

Whereas, Harriet Tubman is a historic figure who lived a courageous life so that all Americans, including African-Americans and women, would have equal rights, thus, it is very important that these national historic parks be established to preserve her legacy; now, therefore, be it

Resolved, That the Council of the City of New York celebrates "Harriet Tubman Day" on March 10, 2011, and supports Senate Bill S.247, sponsored by U.S. Senators Charles Schumer (D-NY), Kirsten Gillibrand (D-NY), Benjamin Cardin (D-MD) and Barbara Mikulski (D-MD), that would create two national historic park sites in New York and Maryland, in honor of Harriet Tubman, who escaped slavery to become the most famous conductor on the Underground Railroad.

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

Int. No. 495

By Council Members Weprin, Cabrera, Dromm, Fidler, James, Koppell, Lander, Mealy, Rose, Williams and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to the turn off of unused sprinklers.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-140 to read as follows:

§18-140 Sprinkler turnoff. On or before June 1, 2012, the department shall install a mechanism to turn off sprinklers in property under the jurisdiction of the department that are meant for use by the public. Such mechanism shall shut off such sprinklers after a fixed duration of time determined by the commissioner. There shall be a mechanism to turn the sprinklers back on when individuals want to use it.

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Parks and Recreation.

L.U. No. 329

By Council Member Comrie:

Application no. 20115128 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Magnifique LLC d.b.a Le Magnifique to establish, maintain and operate an unenclosed sidewalk café located at 1022 Lexington Avenue, Borough of Manhattan, Council District no.4. 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. 330

By Council Member Comrie:

Application no. 20115530 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC d.b.a Café Select to establish, maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §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. 331

By Council Member Comrie:

Application no. C 070245 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an M3-1 District to an M1-4/R6A District, Section No. 12, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 332

By Council Member Comrie:

Application no. N 070246 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary housing designated areas), Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 333

By Council Member Comrie:

Application no. N 100339 ZAM submitted by Columbia University in the City of New York for the grant of an authorization pursuant to Section 62-822 (a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 in connection with a proposed 5-story, approximately 47,700 square foot building, (Block 2244, Lots 1 and 100) in an R7-2 District, Council District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 334

By Council Member Comrie:

Application no. 20115317 HKM (N 110181 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2427) by the Landmarks Preservation Commission of the 500 Fifth Avenue Building, located at 500 Fifth Avenue, (Block 1258, Lot 34), Council District no. 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 335

By Council Member Comrie:

Application no. 20115318 HKX (N 110182 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2399) by the Landmarks Preservation Commission of Alderbrook House, located at 4715 Independence Avenue (Block 5926, Lot 76) as a historic landmark, Council District no. 11.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 336

By Council Member Comrie:

Application no. 20115315 HKK (N 110183 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2408) by the Landmarks Preservation Commission of the Coney Island Theatre Building, located at 1301 Surf Avenue (Block 7064, Lot 16) as a historic landmark, Council District no. 47.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 337

By Council Member Comrie:

Application no. 20115316 HKM (N 110184 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.436, LP-2432) by the Landmarks Preservation Commission of the Rogers, Peet and Company Building, located at 258 Broadway, Council District no. 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 338

By Council Member Comrie:

Application no. 20115275 SCQ, a proposed site for a new, approximately 757-Seat Primary/Intermediate School Facility, located at southwest corner of Hillside Avenue and 164th Street (Block 9813, Lot 33), Council District no. 24, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 339

By Council Member Comrie:

Application no. 20115299 SCK, a proposed site for a new, approximately 735-Seat Primary/Intermediate School Facility, located at Coney Island Ave., Turner Place, Hinckley Place and East 8th Street (Block 5342, Lot 6, 8, 10, 17, 19, 26, 28 and 30), Council District no. 40, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, March 3, 2011

Committee on **TRANSPORTATION** .....10:00 a.m.
Oversight - Examining the State of Repair of the City's Roads
Committee Room – 250 Broadway, 16th Floor ..... James Vacca, Chairperson

Friday, March 4, 2011

Committee on **HEALTH** jointly with the
Subcommittee on **SENIOR CENTERS** .....**10:00 A.M.**
Oversight – Senior Center Meal and Nutrition Programs
Committee Room – 250 Broadway, 14th Floor
.....Maria del Carmen Arroyo, Chairperson
..... David Greenfield, Chairperson

Monday, March 7, 2011

Committee on **FINANCE** jointly with the
Committee on **COMMUNITY DEVELOPMENT** ..... **10:00 A.M.**
Int 485 - By Council Members Vann, Recchia, Mark-Viverito and Lander - **A Local Law** to amend the New York City charter, in relation to classification of depository banks.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson
..... Albert Vann, Chairperson

★ ***Addition***
Committee on **CIVIL SERVICE AND LABOR**.....**1:00 P.M.**
Tour: 32BJ Thomas Shortman Training Program
Location:101 Avenue of the Americas
New York, NY
Details Attached.....James Sanders, Chairperson

Tuesday, March 8, 2011

Committee on **IMMIGRATION** ..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor ..... Daniel Dromm, Chairperson

Committee on **WATERFRONTS** ..... **1:00 P.M.**
Oversight - Dredge Materials Management: Developing a Sustainable Policy
Committee Room – 250 Broadway, 16th Floor ..... Michael Nelson, Chairperson

★ ***Note Committee Deletion***
★~~Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS J**ointly with the~~
Committee on **HIGHER EDUCATION** ..... **2:00 P.M.**
Oversight – Examining the Academic Impact of CUNY's Institutes and Centers on Ethnic Studies
Committee Room – 250 Broadway, 14th Floor
..... ★ ~~James Van Bramer, Chairperson~~
..... Ydanis Rodriguez, Chairperson

Wednesday, March 9, 2011

★ Addition
Committee on **SMALL BUSINESS** ..... **11:30 A.M.**
Tour: ACCION USA
Location:115 East 23rd Street, 7th Floor
New York, NY 10010
Details Attached..... .Diana Reyna, Chairperson

★ Deferred
~~Committee on **FINANCE** ..... **10:00 A.M.**~~
~~Int 301 - By Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm, Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van Bramer, Williams, Foster, Lappin, Vacca, Reyna, Cabrera, Halloran, Koo and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Finance to dismiss parking violations issued for the failure to display a muni-meter receipt if the driver provides a valid receipt from the time the ticket was issued.~~
~~AND SUCH OTHER BUSINESS AS MAY BE NECESSARY~~
~~Committee Room – 250 Broadway, 16th Floor~~
~~..... Domenic M. Recchia, Chairperson~~

Committee on **LOWER MANHATTAN REDEVELOPMENT** ..... **10:00 A.M.**
Oversight - Update on the Deconstruction of 130 Liberty Street and the Future of the Site
Committee Room – 250 Broadway, 14th Floor..... Margaret Chin, Chairperson

Committee on **HOUSING AND BUILDINGS** ..... **1:00 P.M.**
Int 379 - By Council Members Vacca, Brewer, Cabrera, Chin, Comrie, Dromm, Fidler, Gennaro, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Williams, Foster, Garodnick, Greenfield, Nelson, Rodriguez, James, Crowley, Jackson, Halloran and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to the denial of building permits to property owners with outstanding charges owed to the city of New York.
Committee Room – 250 Broadway, 16th Floor..... Erik Martin-Dilan, Chairperson

New York City Council Fiscal Year 2012 Preliminary Budget,
Mayor's FY '11 Preliminary Management Report and
Agency Oversight Hearings

Thursday, March 10, 2011

10:00 a.m.Finance Committee – Emigrant Savings Bank ~ 49-51 Chambers Street
10:00 a.m. Office of Management and Budget
- ♦ Capital Budget
- ♦ Expense Budget
- ♦ Revenue Budget

12:45 p.m. ♦ Contract Budget (Joint with Committee on Contracts)
1:15 p.m. Department of Finance
2:45 p.m. Department of Design and Construction
3:15 p.m. Comptroller
3:45 p.m. Independent Budget Office
4:00 p.m. Public

Friday, March 11, 2011

10:00 a.m.Fire & Criminal Justice Services Committee – 250 Broadway, 16th Floor – Committee Room
10:00 a.m. Fire/Emergency Medical Service
12:00 p.m. Department of Probation
12:30 p.m. Department of Correction
1:00 p.m. Criminal Justice Coordinator (Indigent Defense Services)
2:00 p.m. Legal Aid
3:00 p.m. Public

10:00 a.m.Transportation Committee – 250 Broadway, 14th Floor - Committee Room
10:00 a.m. Taxi and Limousine Commission
10:45 a.m. MTA/NYC Transit (Expense)
11:15 a.m. MTA/NYC Transit (Capital)
11:45 a.m. Department of Transportation (Capital)
12:45 p.m. Department of Transportation (Expense)
1:15 p.m. Public

Monday, March 14, 2011

10:00 a.m.Consumer Affairs Committee – 250 Broadway, 16th Floor - Committee Room
10:00 a.m. Department of Consumer Affairs
11:00 a.m. Business Integrity Commission
11:30 a.m. Public

10:00 a.m.Oversight & Investigations Committee – 250 Broadway, 14th Floor - Committee Room
10:00 a.m. Department of Investigation
11:15 a.m. Public

1:00 p.m.Aging Committee – 250 Broadway, 16th Floor - Committee Room
1:00 p.m. Department for the Aging (joint with the Subcommittee on Senior Centers)
2:00 p.m. Public

★ ***Deferred***
~~**1:00 p.m.Public Housing Committee 250 Broadway, 14th Floor - Committee Room**~~
~~1:00 p.m.NYC Housing Authority~~
~~2:00 p.m. Public~~

Tuesday, March 15, 2011

10:00 a.m.Public Safety Committee – 250 Broadway, 14th Floor - Committee Room
10:00 a.m. Police Department
12:00 p.m. District Attorneys/Special Narcotics Prosecutor
1:15 p.m. Office of Emergency Management .....
2:00 p.m. Civilian Complaint Review Board
3:00 p.m. Public

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**
See Land Use Calendar Available Thursday, March 10, 2011
Committee Room – 250 Broadway, 16th Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** **11:00 A.M.**
See Land Use Calendar Available Thursday, March 10, 2011
Committee Room– 250 Broadway, 16th Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** .... **1:00 P.M.**
See Land Use Calendar Available Thursday, March 10, 2011
Committee Room – 250 Broadway, 16th Floor

..... Stephen Levin, Chairperson

Wednesday, March 16, 2011

★ ***Note Time Changes***

★ **10:30 a.m.Governmental Operations Committee – Hearing Room – 250 Broadway, 14th Floor**

★ 10:30 a.m.Campaign Finance Board
★ 11:15 a.m.Board of Elections
★ 12:00 a.m.Law Department
★ 12:45 p.m.Department of Citywide Administrative Services
★ 1:15 p.m. Department of Records and Information Services
★ 1:45 p.m. Community Boards
★ 2:15 p.m. Public

Committee on **LAND USE.....10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor .....Leroy Comrie, Chairperson

11:00 a.m. Land Use Committee – 250 Broadway, 16th Floor - Committee Room

11:00 a.m.Landmarks Preservation Commission
12:00 p.m.Department of City Planning
1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)
2:00 p.m. Public

Friday, March 18, 2011

10:00 a.m.Economic Development Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Economic Development Corporation (Capital)
11:30 a.m.Department of Small Business Services (joint with Small Business Committee)
12:30 p.m.Public

10:30 a.m.Civil Rights Committee – 250 Broadway, 14th Floor - Committee Room

10:30 a.m.Equal Employment Practices Commission
11:00 a.m.Public

12:00 p.m.Higher Education Committee – 250 Broadway, 14th Floor - Committee Room

12:00 p.m. City University of New York
1:30 p.m. Public

Monday, March 21, 2011

10:00 a.m.Standards and Ethics Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Conflicts of Interest Board
10:45 a.m. Public

12:00 p.m.Youth Services Committee – 250 Broadway, 16th Floor - Committee Room

12:00 p.m.Department of Youth and Community Development (★ Joint with Community Development Committee)
1:30 p.m. Public

1:00 p.m. Environmental Protection Committee – 250 Broadway, 14th Floor - Committee Room

1:00 p.m. Department of Environmental Protection (Capital)
2:15 p.m. Department of Environmental Protection (Expense)
3:30 p.m. Public

Tuesday, March 22, 2011

10:30 a.m.Housing and Buildings Committee – 250 Broadway, 16th Floor - Committee Room

10:30 a.m. Department of Housing Preservation and Development (Expense)
11:00 a.m. Department of Housing Preservation and Development (Capital)
12:30 p.m. .....Department of Buildings
1:15 p.m. Public

★ ***Note Time Changes***

★**2:00 p.m.Sanitation & Solid Waste Management Committee – 250 Broadway, 14th Floor - Committee Room**.....

★ 2:00 p.m.Department of Sanitation
★4:00 p.m. Public

Wednesday, March 23, 2011

Committee on **FINANCE..... 10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Domenic M. Recchia, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street……

M E M O R A N D U M

February 25, 2011

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON **CIVIL SERVICE AND LABOR**

Please be advised that all Council Members are invited to attend a tour to:

32BJ Thomas Shortman Training Program
101 Avenue of the Americas
New York, NY

The tour will be on **Monday, March 7, 2011 beginning at 1:00 p.m.** A van will be leaving City Hall at **12:45 p.m. sharp.**

Council Members interested in riding in the van should call Matthew Carlin at 212-788-9110.

Hon. James Sanders, Chairperson Hon. Christine C. Quinn
Committee on Civil Service and Labor Speaker of the Council

M E M O R A N D U M

March 1, 2011

TO: ALL COUNCIL MEMBERS

RE: HEARING BY THE COMMITTEE ON **SMALL BUSINESS**

Please be advised that all Council Members are invited to attend a tour:

ACCION USA
115 East 23rd Street, 7th Floor
New York, NY 10010

The Tour will be on **Wednesday, March 9, 2011 beginning at 11:30 a.m.** A van will be leaving City Hall at **11:00 a.m.**

Council Members interested in riding the van should call Matthew Hickey at **212-788- 6875.**

Diana Reyna, Chairperson
Committee on Small Business

Christine C. Quinn
Speaker of the Council

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, March 23, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int No. 332-A (adopted at the February 2, 2011 Stated Council Meeting) and Int Nos. 370-A, 374-A, and 377-A (adopted by the Council at the February 16, 2011 Stated Council Meeting) were signed by the Mayor into law on February 22, 2011 as, respectively, Local Law Nos. 11, 12, 13, and 14 of 2011.*