

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Thursday, December 20, 2018, 1:54 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Brannan, Reynoso, and Rose.

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

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

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

### INVOCATION

The Invocation was delivered by Father Joe Holcomb, St. Andrew Avellino, 35-60 158<sup>th</sup> Street Flushing, New York 11358.

Let us place ourselves in the presence of Almighty God.  
 All powerful and merciful God,  
 we praise you and give you thanks for all your gracious gifts,  
 most especially the gift of your infinite and unconditional love.  
 It is your gift of love that inspires and drives each of us  
 to seek peace and justice throughout our city, our nation, and our world.  
 To gain awareness that we share a common destiny,  
 which is ultimately transcendent, peace  
 that is not the mere absence of violence,  
 but as a harmonious co-existence of individual citizens  
 within a society governed by justice,  
 one in which the good is also achieved for each and every one of them.  
 Help us through your gift of love to work diligently  
 in these coming days, months and years  
 to seek peace for all in our great city.  
 May your deliberations in this,  
 the City Council of the City of New York,  
 bring about understanding, tolerance, and peace  
 in our city, in our nation, and in our world.  
 We pray this in your holy name,  
 Amen.

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

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Johnson) sent his best wishes and those of the Council to the seven firefighters who were injured in the December 13, 2018 fire in Sunnyside, Queens. These firefighters were responding to a blaze in Council Member Van Bramer's district. The Speaker (Council Member Johnson) thanked the FDNY for their bravery and courage and noted that his thoughts were with the injured FDNY members and their families as well as with the Sunnyside community.

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

Suffolk Police Detective Steven Mullen and Lieutenant Jennifer Meehan were 9/11 first responders who died from illnesses acquired during their time serving at Ground Zero. The Speaker (Council Member Johnson) asked everyone to remember Detective Mullen and Lieutenant Meehan and to keep their families in their hearts.

The Speaker (Council Member Johnson) acknowledged the four year anniversary of the December 20, 2014 assassination of NYPD Police Detectives Wen-jian Liu and Rafael Ramos. He noted that they were targeted for the uniforms that they wore to protect and serve the city and that they would forever be remembered.

At this point, a Moment of Silence was observed in the Chambers.

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### **ADOPTION OF MINUTES**

Council Member Moya moved that the Minutes of the Stated Meeting of November 14, 2018 be adopted as printed.

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

Preconsidered M-121

**Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2019 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).**

**(For text, please see the Report of the Committee on Finance for M-121 & Res. No. 677 printed in the Report of the Standing Committees section of these Minutes)**

Referred to the Committee on Finance.

Preconsidered M-122

**Communication from the Office of Management & Budget – Appropriation of new revenues in Fiscal Year 2019, pursuant to Section 107(e) of the New York City Charter (MN-2).**

**(For text, please see the Report of the Committee on Finance for M-122 & Res. No. 678 printed in the Report of the Standing Committees section of these Minutes)**

Referred to the Committee on Finance.

**LAND USE CALL-UPS**

M-123

By Council Member Levin:

**Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 160 Franklin Street, Borough of Brooklyn, Council District 33, Community District 1, Application No. 20195150 TCK shall be subject to review by the Council.**

Coupled on Call-up vote.

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

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

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

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Civil Service and Labor**

Report for Int. No. 863-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination and discriminatory harassment or violence based on an individual's reproductive health choices.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1645), respectfully

**REPORTS:****I. LEGISLATIVE ANALYSIS****Int. No. 863-A (Williams)**

Section one of Int. 863-A amends section 8-101 of the Code, which outlines the policy of the city's anti-discrimination law. This section is amended to add "sexual and reproductive health decisions" to the protected classes listed.

Section two of Int. 863-A amends section 8-102 of the Code, to define the term "sexual and reproductive health decisions" as any decision by an individual to receive services, which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility-related medical procedures, sexually transmitted disease prevention, testing, and treatment, and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.

Section three of Int. 863-A amends subparagraphs a, b, c, and d of subdivision 1 of section 8-107 of the Code. Subparagraph a of subdivision 1 is amended to include "sexual and reproductive health decisions" as a protected class, making it an unlawful discriminatory practice for an employer or an employee or agent thereof, because of the actual or perceived sexual and reproductive health decisions of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment. Subparagraph b of subdivision 1 is amended to include "sexual and reproductive health decisions" as a protected class, making it an unlawful for an employment agency or an employee or agent thereof, to discriminate against any person because of such person's actual or perceived sexual and reproductive health decisions in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers. Subparagraph c of subdivision 1 is amended to include "sexual and reproductive health decisions" as a protected class, making it an unlawful discriminatory practice for a labor organization or an employee or agent thereof, because of the actual or perceived sexual and reproductive health decisions to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer. Subparagraph d of subdivision 1 is amended to include "sexual and reproductive health decisions" as a protected class, making it an unlawful discriminatory practice for any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to sexual and reproductive health decisions.

Section four of Int. 863-A amends subparagraphs b, c, and d of subdivision 2 of section 8-107 of the Code. Subparagraph b is amended to include "sexual and reproductive health decisions" as a protected class, making

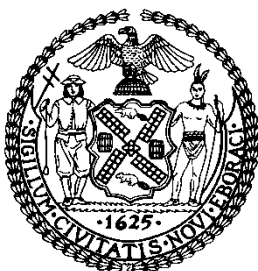
it an unlawful discriminatory practice to deny to or withhold from any person because of his or her actual or perceived sexual and reproductive health decisions the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program. Subparagraph c is amended to include “sexual and reproductive health decisions” as a protected class, making it an unlawful to discriminate against any person in his or her pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived sexual and reproductive health decisions. Subparagraph d is amended to include “sexual and reproductive health decisions” as a protected class, making it an unlawful discriminatory practice to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to sexual and reproductive health decisions, or any intent to make any such limitation, specification or discrimination.

Section five of Int. 863-A amends subdivision a of section 8-602 of the Code. Subdivision a is amended to include “sexual and reproductive health decisions” as a protected class, making it unlawful for a person to interfere by threats, intimidation or coercion or attempt to interfere by threats, intimidation or coercion with the exercise or enjoyment by any person of rights secured by the constitution or laws of the United States, the constitution or laws of this state, or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived sexual and reproductive health decisions.

Section six of Int. 863-A amends subdivision a and b of section 8-603 of the Code. Subdivision a is amended to include “sexual and reproductive health decisions” as a protected class, making it unlawful for a person to by force or threat of force, knowingly injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the constitution or laws of this state or by the constitution or laws of the United States or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived sexual and reproductive health decisions. Subdivision b is amended to include “sexual and reproductive health decisions” as a protected class, making it unlawful for a person to knowingly deface, damage or destroy the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of this state or by the constitution or laws of the United States or by local law of the city when such defacement, damage or destruction of real or personal property is motivated in whole or in part by the victim's actual or perceived sexual and reproductive health decisions.

Section seven states that the local law would take effect 120 days after its enactment, provided, however that the city commission on human rights could take any action necessary prior to such effective date for the implementation of the local law, including, but not limited to, the adoption of any necessary rules.

**(The following is the text of the Fiscal Impact Statement for Int. No. 863-A:)**



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

**PROPOSED INT. NO. 863-A  
COMMITTEE: Civil and Human Rights**

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to prohibiting employment discrimination and discriminatory harassment or violence based on an individual’s reproductive health choices.

**Sponsors:** Council Members Williams, Cumbo, Rosenthal, Rivera, Rose, Chin, Levin, Levine, Kallos, Powers, Ayala, Koslowitz, Reynoso, Brannan, Lander, Perkins, Menchaca, Ampry-Samuel, Richards, Espinal, Lancman, Treyger, Gibson, Constantinides, Barron, Adams, Miller, and The Public Advocate (Ms. James)

**SUMMARY OF LEGISLATION:** Proposed Intro. 863-A would prohibit employer discrimination on the basis of sexual and reproductive health decisions. Sexual and reproductive health decisions would be defined as any decision by relating to the reproductive system and its functions, such as but not limited to, fertility-related medical procedures, family planning services and counseling, access to all medically approved birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, sexual transmitted disease testing and treatment, abortion procedures and HIV testing and counseling.

**EFFECTIVE DATE:** This local law would take effect 120 days after its enactment, provided, however that the City Commission on Human Rights may take any actions necessary prior to such effective date for the implementation of this local law, including, but not limited to, the adoption of any necessary rules.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation. CCHR would be able to use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head  
Regina Poreda Ryan, Deputy Director  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 25, 2018 as Intro. 863 and was referred to the Committee on Civil and Human Rights (the “Committee”). The Committee considered the legislation at a hearing held on November 19, 2018 and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. No. 863-A, will be considered by the

Committee on December 18, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 863-A will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 14, 2018

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

**(The following is the text of Int. No. 863-A:)**

Int. No. 863-A

By Council Members Williams, Cumbo, Rosenthal, Rivera, Rose, Chin, Levin, Levine, Kallos, Powers, Ayala, Koslowitz, Reynoso, Brannan, Lander, Perkins, Menchaca, Ampry-Samuel, Richards, Espinal, Lancman, Treyger, Gibson, Constantinides, Barron, Adams, Miller, Rodriguez, Moya, Cohen, Eugene and the Public Advocate (Ms. James).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination and discriminatory harassment or violence based on an individual's reproductive health choices.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 1 for the year 2016, is amended to read as follows:

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. The council further finds and declares that gender-based harassment threatens the terms, conditions and privileges of employment. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination, sexual harassment and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new definition of "sexual and reproductive health decisions" in alphabetical order to read as follows:

*Sexual and reproductive health decisions. The term "sexual and reproductive health decisions" means any decision by an individual to receive services, which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility-related medical procedures, sexually transmitted disease prevention, testing, and treatment, and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.*

§ 3. Paragraphs a, b, c and d of subdivision 1 of section 8-107 of the administrative code of the city of New York, paragraphs (a), (b) and (c) as amended by local law number 119 for the year 2017, are amended to read as follows:



1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 4. Paragraphs b, c and d of subdivision 2 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, are amended to read as follows:

(b) To deny to or withhold from any person because of his or her actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program.

(c) To discriminate against any person in his or her pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, *sexual and reproductive health decisions*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 5. Subdivision a of section 8-602 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

(a) Whenever a person interferes by threats, intimidation or coercion or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment by any person of rights secured by the constitution or laws of the United States, the constitution or laws of this state, or local law of the city and such interference or attempted interference is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, *sexual and reproductive health decisions*, sexual orientation, age, whether children are, may or would be residing with such victim, marital status, partnership status, disability, or alienage or citizenship status as defined in chapter one of this title, the corporation counsel, at the request of the City Commission on Human Rights or on his or her own initiative, may bring a civil action on behalf of the city for injunctive and other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured.

§ 6. Subdivisions a and b of section 8-603 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, are amended to read as follows:

(a) No person shall by force or threat of force, knowingly injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the constitution or laws of this state or by the constitution or laws of the United States or local law of the city when such injury, intimidation, oppression or threat is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, *sexual and reproductive health decisions*, sexual orientation, age, marital status, partnership status, disability, or alienage or citizenship status, as defined in chapter one of this title.

(b) No person shall knowingly deface, damage or destroy the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of this state or by the constitution or laws of the United States or by local law of the city when such defacement, damage or destruction of real or personal property is motivated in whole or in part by the victim's actual or perceived race, creed, color, national origin, gender, *sexual and reproductive health decisions*, sexual oration, age, marital status, partnership status or whether children are may be, or would be residing with such victim, disability or alienage or citizenship status, as defined in chapter one of this title.

§ 7. This local law takes effect 120 days after its enactment, provided, however that the city commission on human rights may take any actions necessary prior to such effective date for the implementation of this local law, including, but not limited to, the adoption of any necessary rules.

MATHIEU EUGENE, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, December 18, 2018.

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

### **Report of the Committee on Civil Service and Labor**

Report for Int. No. 633-A

#### **Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 994), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On December 19, 2018, the Committee on Civil Service and Labor, chaired by Council Member I. Danee Miller held a vote on Proposed Int. No. 633-A, introduced by Council Members Cumbo, The Public Advocate (Ms. James) and Miller, a local law to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data. The committee first held a hearing on this bill on April 23, 2018. Witnesses that testified at that hearing included the Equal Employment Practices Commission, the Department of Citywide Administrative Services (DCAS), Local 2507, the United Probation Officers Association, Local

3621 and CWA Local 1180. On December 19, 2018, the Committee passed Proposed Int. No. 633-A by a vote of five in the affirmative, zero in the negative, with zero abstentions.

## **BACKGROUND**

### The Wage Gap in the United States

Pay equity is a means of eliminating sex and race discrimination in the wage-setting system.<sup>1</sup> Pay equity means that the criteria employers use to set wages must be sex- and race-neutral.<sup>2</sup> The discrepancy in wages is represented by the wage gap, which is the average difference between the pay for men and women in the workforce. The most common measure for calculating the gender wage gap is based on the median annual earnings of full-time, year-round workers.<sup>3</sup> In 2016, 56.8 of all women participated in the labor force<sup>4</sup> and women's median annual earnings being 80.5 percent of male earnings.<sup>5</sup>

The wage gap between men and women has come under increasing scrutiny in recent years, with annual events such as "Equal Pay Day" that emphasize that women make significantly less than men for doing the same work in this country.<sup>6</sup> Equal Pay Day was April 10, 2018; the date symbolizes how far into the year the average women must work to earn what the average man earned in 2017.<sup>7</sup>

### Traditional Factors Affecting the Gender Pay Gap

Some of the factors driving the gender wage gap have been labor force participation; occupational title differences (for similar work); education; labor force experience and hours worked; gender differences in formal job training and retention; the impact of gender on the division of labor and on family caregiving; occupations and industries; and labor market discrimination.<sup>8</sup>

Much of the wage gap has been explained by the factors outlined above, and some progress has been made in each of those factors in the five decades since World War II which has seen the women's labor force participation in the United States increase dramatically,<sup>9</sup> with women now more likely to have a bachelor's degree than men,<sup>10</sup> yet these underlying causes have been hard to alleviate, hence there is still a wage gap in America.<sup>11</sup>

### New York City

While New York State has the smallest wage gap in the nation among men and women working full-time, year round when comparing their median annual earnings, there still exists a gap within the state and the city. Moreover, this gap, the difference between the median annual earnings of men and women working full-time,

<sup>1</sup> Pay Equity Information, National Committee on Pay Equity. Accessed on Apr. 4, 2018. Available at: <https://www.pay-equity.org/info-Q&A.html>.

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

<sup>3</sup> United States Department of Labor, Women's Bureau. Issue Brief: Women's earnings and the Wage Gap. Access on Apr. 18, 2018. Available at: [https://www.dol.gov/wb/resources/Womens\\_Earnings\\_and\\_the\\_Wage\\_Gap\\_17.pdf](https://www.dol.gov/wb/resources/Womens_Earnings_and_the_Wage_Gap_17.pdf).

<sup>4</sup> United States Department of Labor, Bureau of Labor Statistics Reports. "Women in the labor force: a databook," November 2017. Accessed on: Apr. 19, 2018. Available at: Women in the Labor Force: A Databook.

<sup>5</sup> Hegewisch, A. et. al. "The Gender Wage Gap: 2016; Earnings Differences by Gender, Race, and Ethnicity," Institute for Women's Policy Research, Sep. 13, 2017. Accessed on Apr. 11, 2018. Available at: <https://iwpr.org/publications/gender-wage-gap-2016-earnings-differences-gender-race-ethnicity/>.

<sup>6</sup> Shira Tarlo, "What Is Equal Pay Day? Here's Everything You Need to Know," ("What is Equal Pay Day?") NBC News, April 4, 2017. available at: <http://www.nbcnews.com/news/us-news/what-equal-pay-day-here-s-everything-you-need-know-n741391>

<sup>7</sup> Equal Pay Day Kit, National Committee on Pay Equity. Accessed on Apr. 4, 2018. Available at: <https://www.pay-equity.org/day.html>.

<sup>8</sup> Francine D. Blau and Lawrence M. Kahn, *The Gender Wage Gap: Extend, Trends and Explanations* (Cambridge, MA, 2016), 11-34.

<sup>9</sup> *Id.* at 11.

<sup>10</sup> Nolan Feeney, "Women are Nor More Likely to Have a College Degree," TIME, October 7, 2015. Accessed on Apr. 18, 2018. Available at: <http://time.com/4064665/women-college-degree/>.

<sup>11</sup> Graf, Nikki et. al. "The narrowing, but persistent, gender gap in pay." Pew Research Center, April 9, 2018. Accessed on April 11, 2018. Available at <http://www.pewresearch.org/fact-tank/2018/04/09/gender-pay-gap-facts/>.

year-round, is more acute for minority women. For 2016, the wage gap in the city was 85 percent.<sup>12</sup> When compared with the median annual earnings of white men working full-time, year round, the wage gap for black women was 53 percent, 44 percent for Latina women, 74 percent for Asian women, and 76 percent for white women.<sup>13</sup> According to a recent report by The Public Advocate, the average salary of women at the top ten majority women New York City agencies<sup>14</sup> is \$10,000 less than the average salary of men at the top ten majority male New York City agencies.<sup>15,16</sup> However, the same report did find that in some agencies, male and female employees of the same rank or position are paid equally and that collective bargaining agreements and civil service examinations can be an effective tool to both address wage equity and other issues related to retention and promotion.<sup>17</sup>

The City is actively taking steps to help eliminate this gap and provide for wage equity. In 2016, Mayor Bill de Blasio signed an executive order that eliminated salary history as a requirement when a person applies for a job within a mayoral agency and the City enacted Local Law 67 for the year 2017, which prohibits all New York City employers from inquiring about or relying on a prospective employee's salary history.

"It's the structural barriers to women's progress and enduring social attitudes about a women's place that contribute the most to women's lower pay, according to economic analyses of the wage gap. Understanding these constraints and what causes the gender wage gap is an important first step to change structural barriers"<sup>18</sup>

### **Proposed Int. No. 633-A, BILL SUMMARY**

**NOTE:** The proposed legislation has changed drastically since the first hearing on this bill. One of the biggest changes includes the new section 3-171 in subchapter 7 in section two of the bill. Here, DCAS, in consultation with the Department of Information Technology and Telecommunications, will be required to provide the Council with access to the underlying employment data delineated in section 12-208. This will be accomplished through an application programming interface (API) that will simply allow the data to be viewed by the Council for analysis and not download to Council hard drives. The API approach was taken in order to preserve the integrity and security of the data and address the privacy concerns of the Council. The Council has never before passed a bill where it would have access to such a granular level of detail, but with its expanded data operations unit, the capability now exists for the Council to perform this level of oversight. Moreover, to perform a meaningful analysis, access to such data is necessary. Another significant change in the bill is that the burden of analyzing Agency employment records and producing a public report for the Administration rests with the Mayor's Office of Data Analytics (MODA). Traditionally, when a reporting bill requires Agency-wide aggregation of data, DCAS has been the agency tasked with that role. However, the Council feels that MODA, and its role as New York City's civic intelligence center, allowing the City to aggregate and analyze data from across City agencies, is the more appropriate body to collect and analyze employment level data to find pay disparities across the City workforce.

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<sup>12</sup> American Association of University Women (AAUW), "U.S. Cities Reveal a Wide Range of Gender and Racial Pay Gaps." December 11, 2017. Accessed on Apr. 19, 2018. Available at: <https://www.aauw.org/article/u-s-cities-reveal-a-wide-range-of-gender-and-racial-pay-gaps/>.

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

<sup>14</sup> Department of Education Paraprofessionals, Human Resources Administration/Dept. of Social Services, Department of Probation, Department of Education Administration, Administration for Children's Services, Landmarks Preservation Commission, Department for the Aging, Mayor's Office of Contract Services, Department of Youth and Community Development, Department of Education Pedagogical. Public Advocate for the City of New York, "Tipping the Scales. Wage and Hiring Inequity in New York City Agencies." March 2018. Page 5.

<sup>15</sup> Taxi and Limousine Commission, Department of Parks and Recreation, Department of Transportation, Department of Sanitation, Fire Department, Department of Environmental Protection, Department of Buildings, Police Department, Department of Design and Construction, Financial Information Services Agency. Public Advocate for the City of New York, "Tipping the Scales. Wage and Hiring Inequity in New York City Agencies." March 2018. Page 5.

<sup>16</sup> Public Advocate for the City of New York, "Tipping the Scales. Wage and Hiring Inequity in New York City Agencies." March 2018. Page 3.

<sup>17</sup> *Id.* at 6.

<sup>18</sup> Sarah Jane Glynn, "Explaining the Gender Wage Gap," Center for American Progress, May 19, 2014. Accessed on Apr. 18, 2018. Available at: <https://www.americanprogress.org/issues/economy/reports/2014/05/19/90039/explaining-the-gender-wage-gap/>.

Section 1 is a declaration of legislative intent and findings. The Council finds that it should be the policy of this city to pursue the establishment of equitable compensation relationships between female-dominated, male-dominated, and other segregated titles to eliminate pay disparities in public employment citywide. Further, the Council also finds that pay disparities within the city workforce threaten the terms, conditions and privileges of city employment.

Section two add a new subchapter 7 to chapter 1 of title 3 of the administrative code of the city of New York.

Subchapter 7 would direct DCAS to provide employment data, collected pursuant to section three of this bill, to MODA. MODA in turn will produce an annual report to the mayor and speaker of the council showing aggregated data from every City agency looking at gender, ethnicity and race and \$2.5K, \$5K and \$10K pay bands to find instances of pay disparities. This same report would be posted publicly on the MODA website and the Open NY website. This section would also provide the Council with access to the employment data for 90 days in order for the Council to perform its own in-depth analysis to identify instances of pay disparities within City agencies.

Section three would add a new section 12-208 to chapter 2 of title 12 of the administrative code of the city of New York.

Section 12-208 would pertain to pay and employment equity data. Subdivision b of such section would require that no later than November 30, 2019, and on or November 30 annually thereafter, all city agencies provide DCAS with certain information relevant to pay and employment equity. Such information for each employee within such an agency would include:

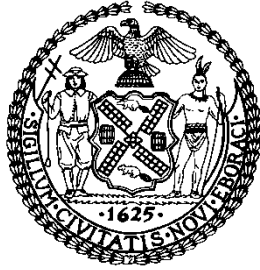
1. Agency;
2. Start date;
3. Civil service title;
4. Salary range for such title;
5. Business title;
6. Title classification (title description);
7. Job category;
8. Career level;
9. Base salary;
10. The department of citywide administrative services occupational group code and group name;
11. Whether such employee is a managerial or supervisory employee;
12. Minimum number of years of work experience required for such position;
13. Number of years of work experience of such employee;
14. Highest level of education attained by such employee;
15. Gender;
16. Racial group;
17. Ethnicity;
18. Date of birth;
19. Whether such employee is a provisional employee;
20. Whether such employee is full-time, part-time or seasonal;
21. Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer; and
22. Whether such employee was previously employed by the city of New York

Section 4 of the local law would provide the enactment clause. This local law would take effect immediately.

### **Update**

On December 19, 2018, the Committee passed Proposed Int. No. 633-A by a vote of five in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 633-A:)



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

**PROPOSED INTRO. NO: 633-A**  
**COMMITTEE: Civil Service and Labor**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data

**SPONSOR(S):** Council Member Cumbo, the Public Advocate (Ms. James), Miller, Rosenthal, Koslowitz, Rose, Adams, Gibson, Kallos, Constantinides, Van Bramer, Lander, Ampy-Samuel, Torres and Lancman

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 633-A would require the Mayor’s Office of Data Analytics (“MODA”) to report on an annual basis, aggregated data from every City agency to determine if there are instances of pay disparities. Each City agency would be required to provide the Department of Citywide Administrative Services (“DCAS”) no later than November 30, 2019, and on or before November 30 annually thereafter, with certain pay and equity data for each current and former employee.

Within 60 days of receipt of data from DCAS, MODA would be required to make such data available to the Council for 90 days through an application programming interface in a machine-readable format. Additionally, MODA would be required to issue a report to the Mayor and the Speaker of the Council no later than May 31, 2020, and no later than May 31 annually, which would include aggregated data from each agency showing the frequency of full-time, part-time and seasonal employees by agency, EEO-4 job group, pay band, racial group, ethnicity, and gender in a format that prevents the disclosure of the racial group, ethnicity, and gender of any employee. The report would include pay bands for \$2,500, \$5,000 and \$10,000; however, DCAS and MODA could determine by rule if other pay bands are appropriate.

Within 90 days after the second report is issued, MODA and DCAS would be required to conduct an annual analysis of the data collected by DCAS from the agencies, including comparisons with data from previous years, in order to identify potential disparities based on gender, race or other protected classes in areas of pay, employment rates and retention rates. MODA would be required to conduct further analysis with relevant agencies where instances of disparities exist.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$55,586	\$133,407	\$133,407
<b>Net</b>	(\$55,586)	(\$133,407)	(\$133,407)

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would have a full fiscal impact of \$133,407 in Fiscal 2020 and the outyears. This includes \$121,279 in annual Personal Services (“PS”) costs, and \$12,128 in annual Other Than Personal Services (“OTPS”) costs. PS costs would comprise one additional staff member at MODA – a Data Scientist, under the Computer Associate title – earning an annual salary of \$81,995, and fringe benefits totaling \$39,284. For Fiscal 2019, it is assumed that the PS costs would be incurred for only five months once the legislation takes effect and, therefore, \$50,533 in PS costs are estimated for that year. In addition, in Fiscal 2019, it is anticipated that the OTPS costs would be \$5,053.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Kendall Stephenson, Senior Economist, Finance Division

**ESTIMATE REVIEWED BY:** Paul Sturm, Supervising Economist, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 633 was introduced to the Council on March 7, 2018, and was referred to the Committee on Civil Service and Labor. The Committee on Civil Service and Labor held a hearing jointly with the Committee on Civil and Human Rights on Intro. No. 633 on April 23, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 633-A, will be considered by the Committee on Civil Service and Labor on December 19, 2018. Upon successful vote of the Committee Civil Service and Labor, Proposed Intro. No. 633-A will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 17, 2018.

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

**(The following is the text of Int. No. 633-A:)**

Int. No. 633-A

By Council Members Cumbo, the Public Advocate (Ms. James), and Council Members Miller, Rosenthal, Koslowitz, Rose, Adams, Gibson, Kallos, Constantinides, Lander, Van Bramer, Powers, Cabrera, Ampry-Samuel, Rivera, Torres, Lancman, Levin, Brannan, Treyger, Cohen, King, Moya, Williams, Eugene, Barron and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. The council finds that it should be the policy of this city to pursue the establishment of equitable compensation relationships between female-dominated, male-dominated, and other segregated titles to eliminate pay disparities in public employment citywide. Pay disparities within the city workforce threaten the terms, conditions and privileges of city employment. Such disparities can exist based on gender, race or other protected category enumerated in the city of New York’s human rights law. The council hereby finds and declares that in order to find and eliminate pay disparities in public employment citywide, it is necessary for the council, pursuant to the charter of the city of New York, to

exercise its powers of investigation and oversight over city agencies through access to and analysis of such agencies' pay and employment data. The council, through its committee system will provide an avenue for public engagement on the issue of pay disparity within the city workforce. The council through its committee system and legislative division will provide for the release of findings and analysis on pay disparity.

§ 2. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

*SUBCHAPTER 7  
OFFICE OF DATA ANALYTICS*

*§ 3-170 General. a. As used in this subchapter, the following terms have the following meanings:*

*Agency. The term "agency" means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.*

*Director. The term "director" means the director of the office of data analytics.*

*Machine-readable format. The term "machine-readable format" means a non-proprietary format that permits automated processing.*

*Office. The term "office" means the office of data analytics.*

*Open source analytics library. The term "open source analytics library" means the website where the source code for data analytics projects are shared and maintained by the mayor's office of data analytics.*

*b. All agencies shall cooperate with the office as may be necessary and proper to ensure compliance with this subchapter. The office may request information from any agency it deems necessary to enable it to properly carry out its functions.*

*c. The director may promulgate such rules as are necessary to carry out the provisions of this subchapter.*

*§ 3-171 Pay and employment equity data. a. Within 60 days following receipt of the data from the department of citywide administrative services pursuant to section 12-208, the office, in consultation with the department of information technology and telecommunications, shall make such data available to the council for 90 days through an application programming interface (API) in a machine-readable format as either comma separated value (CSV) or JavaScript Object Notation (json) for which the office shall provide a key to the council.*

*b. 1. The office shall issue a report to the mayor and speaker of the council no later than May 31, 2020, and no later than May 31 annually thereafter, and shall post such report on the open source analytics library. Such report shall include aggregated data from each agency showing the frequency of full-time, part-time and seasonal employees by agency, EEO-4 job group, pay band, racial group, ethnicity and gender in a format that prevents the disclosure of the racial group, ethnicity and gender of any employee, while maximizing the level of detail at which such data is reported.*

*2. Pay bands for such report as required by paragraph 1 of this subdivision shall be for \$2,500, \$5,000 and \$10,000; however, the department of citywide administrative services, in conjunction with the office, may determine by rule other appropriate pay bands, if any, that will maximize the level of detail at which data is reported.*

*c. Ninety days after the second annual report is issued pursuant to subdivision b of this section, the office, in conjunction with the department of citywide administrative services, shall conduct an annual analysis of the data collected pursuant to section 12-208, including comparisons with data from previous years, in order to identify potential disparities based on gender, race or other protected classes as identified in section 8-101, in the following areas:*

- 1. Pay;*
- 2. Employment rates; and*
- 3. Retention rates.*

*d. The office shall conduct further analysis with relevant agencies where instances of disparities exist. Such analysis shall be included in the annual report as required pursuant to subdivision b of this section.*



*e. The department of citywide administrative services shall be required to make recommendations on the development and implementation of pay, employment and retention equity action plans to the mayor and speaker of the council based on disparities identified in subdivision d of this section. Such recommendations shall be included in the annual report as required pursuant to subdivision b of this section.*

*§ 3. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208 to read as follows:*

*§ 12-208 Pay and employment equity data. a. Definitions. As used in this section, the term “agency” means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.*

*b. No later than November 30, 2019, and on or before November 30 annually thereafter, each agency, to the extent the department of citywide administrative services does not already have such information, shall provide to the department of citywide administrative services information relevant to pay and employment equity. Such information for each current and former employee within such agency shall be as of the date of hire and shall, to the extent such information is available, include:*

- 1. Agency;*
- 2. Start date;*
- 3. Civil service title;*
- 4. Salary range for such title;*
- 5. Business title;*
- 6. Title classification (title description);*
- 7. Job category;*
- 8. Career level;*
- 9. Base salary;*
- 10. The department of citywide administrative services occupational group code and group name;*
- 11. Whether such employee is a managerial or supervisory employee;*
- 12. Minimum number of years of work experience required for such position;*
- 13. Number of years of work experience of such employee;*
- 14. Highest level of education attained by such employee;*
- 15. Gender;*
- 16. Racial group;*
- 17. Ethnicity;*
- 18. Date of birth;*
- 19. Whether such employee is a provisional employee;*
- 20. Whether such employee is full-time, part-time or seasonal;*
- 21. Change in personnel status, including but not limited to, appointed, deceased, decrease, demoted, dismissed, increase, promoted, resigned, retired, terminated and transfer; and*
- 22. Whether such employee was previously employed by the city of New York.*

*c. No later than 90 days following receipt of the data collected pursuant to subdivision b of this section, the department of citywide administrative services shall provide such data to the office of data analytics.*

*d. All agencies shall cooperate with the department as may be necessary and proper to ensure compliance with this subdivision. The department may request from any agency, including the office of payroll administration and financial information services agency, information it deems necessary to enable it to properly carry out its functions.*

*e. The commissioner may promulgate such rules as are necessary to carry out the provisions of this section.*

§ 4. This local law takes effect immediately.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM; JUMAANE D. WILLIAMS; ALAN N. MAISEL, ERIC A. ULRICH; Committee on Civil Service and Labor, December 19, 2018. *Other Council Members Attending: Council Member Cumbo.*

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

### **Report of the Committee on Criminal Justice Services**

Report for Int. No. 933-B

#### **Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on sexual abuse.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1968), respectfully

#### **REPORTS:**

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

On December 18, 2018 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on Proposed Int. No. 1090-A and Proposed Int. No. 933-B. The Committee previously held a hearing on these bills on September 6, 2018, and received testimony from representatives of the Department of Correction (DOC), as well as advocates and other interested members of the public.

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

The Board of Correction released a report in September 2018 which indicated that from 2016 to 2017, the number of sexual abuse and sexual harassment complaints by people in custody in city jails increased by 40% from 823 to 1151.<sup>1</sup> Such reports are not limited to those in DOC custody; individuals visiting loved ones in city jails have also reported incidents of sexual abuse, harassment, and force by DOC staff. According to one report, from November 2017, over 45 women have filed or were in the process of filing lawsuits accusing the DOC of engaging in unlawful strip searches.<sup>2</sup> Unlike sexual abuse and harassment to incarcerated individuals, there is no requirement for the DOC to report these incidents. This gap leaves advocates, the Council, and the Board with limited tools to develop solutions. Given the substantial number of reports of sexual abuse and

<sup>1</sup> Board of Correction, Audit on the New York City Department of Correction's Sexual Assault and Sexual Harassment (PREA) Closing Reports, September 2018, available at [https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/PREA\\_ClosingReports\\_FINAL\\_09.24.18\\_update.pdf](https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/PREA_ClosingReports_FINAL_09.24.18_update.pdf)

<sup>2</sup> Jails Action Coalition, 'IT MAKES ME WANT TO CRY': VISITING RIKERS ISLAND, January 2018, available at <http://nycjac.org/wp-content/uploads/2018/01/VISITING-RIKERS-ISLAND-JAILS-ACTION-COALITION-1.9.18.pdf>

harassment to incarcerated individuals and visitors, greater oversight is needed – not only by the governmental bodies such as the Council and the Board of Correction, but also by organizations who advocate for the rights of those who are in departmental custody.

### **III. PROPOSED INT. NO. 933-B**

The Board of Correction has developed comprehensive regulations on reporting incidents of sexual abuse of incarcerated individuals to the board; Introduction 933-B would codify those regulations and create additional requirements. The law requires incident-level reporting to the Council and aggregate reports to be disseminated to the public. While the law only requires the DOC to share incident-level reports with the Council and the Board of Correction, the Council intends to make this information available to institutional defense providers and advocates so that they may take appropriate steps to advocate for victims of sexual abuse and harassment in jails. Incident-level data will not include the names of alleged victims of sexual abuse nor any information that could directly identify them, and the Council will ensure that any further redactions necessary to ensure the privacy of these alleged victims will be made prior to any distribution. The law also requires the DOC to share with the public and the Council a semiannual assessment report reviewing the need for policy and practice changes.

### **IV. AMENDMENTS TO INT. NO. 933-B**

Since introduction, the bill has been amended to include aggregate data to the public and incident-level data to the Council and the Board of Correction. Additionally, it has been amended to broaden certain categories, such as location and age, to better protect the privacy of those reporting incidents of sexual abuse and harassment. The bill also affords the DOC an extended period of time for the department to implement necessary data systems to collect data it does not currently track.

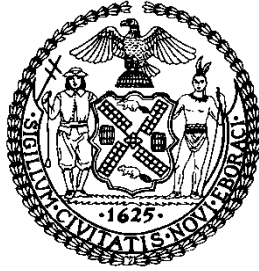
### **V. PROPOSED IN. NO. 1090-A**

Introduction 1090-A would require the Department to report incidents of sexual abuse, harassment, and use of force against visitors to the Board and the Council, and to provide similar reports to the public in aggregated form. It requires reporting on several indicators, including gender, gender identity, age, and location of the incident. As with 933-B, the Council intends to share incident-level reports with organizations so that they may take appropriate steps to advocate for victims of sexual abuse and harassment in jails, also subject to redactions as outlined *supra*. The law would also require the Department to conduct training for staff who regularly interact with visitors and report on such training.

### **VI. AMENDMENTS TO INT. NO 1090**

Introduction 1090-A has been amended since introduction to include aggregate data to the public and incident-level data to the Council and to the Board of Correction. Additionally, it has been amended to broaden certain categories, such as location and age, to better protect the privacy of those reporting incidents of sexual abuse and harassment. The bill also affords the DOC an extended period of time for the department to implement necessary data systems to collect data it does not currently track.

**(The following is the text of the Fiscal Impact Statement for Int. No. 933-B:)**



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

**PROPOSED INTRO. NO:** 933-B  
**COMMITTEE:** Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on sexual abuse  
**SPONSORS:** Council Members Cumbo, Ampry-Samuel, Rivera, Dromm, Kallos, Rosenthal, Lancman, and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 933-B would require the Department of Correction (DOC) to collect and analyze data on allegations of sexual abuse and sexual harassment and issue three reports within 90 days of July 1, 2019, and every six months thereafter: one report to the Speaker of the Council and the Board of Correction (BOC) of investigations of allegations of sexual abuse and sexual harassment that lasted longer than 90 days that occurred during the preceding six-month period; a second report to the Speaker and the BOC of such investigations that concluded during the preceding six-month period; and a third report to the Speaker and the public on the Department’s assessment of its progress in addressing sexual abuse and sexual harassment.

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

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures as a result of this legislation. Because this legislation codifies the DOC’s existing practice of submitting reports on incidents of sexual abuse to the BOC, existing DOC resources would be used to implement the legislation.

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 23, 2018 as Intro. No. 933 and referred to the Committee on Criminal Justice (the Committee). A hearing was held by the Committee on September 6, 2018 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 933-B, will be voted on by the Committee at a hearing on December 18, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 933-B will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 18, 2018.

**(For text of Int. No. 1090-A and its Fiscal Impact Statement, please see the Report of the Committee on Criminal Justice for Int. No. 1090-A printed in these Minutes; for text of Int. No. 933-B, please see below:)**

*Accordingly, this Committee recommends the adoption of Int. No. 933-B and 1090-A,*

**(The following is the text of Int. No. 933-B:)**

Int. No. 933-B

By Council Members Cumbo, Ampry-Samuel, Rivera, Lander, Kallos, Rosenthal, Lancman, Chin and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on sexual abuse**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-156 to read as follows:

*§ 9-156 Sexual abuse reporting. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Correctional health authority. The term "correctional health authority" means the entity responsible for the delivery of health and mental health services to inmates in the custody of the department.*

*Facility investigation. The term "facility investigation" means any investigation of an incident conducted by staff within a departmental facility but does not include an investigation conducted by the investigation division.*

*Gender non-conforming. The term "gender non-conforming" describes a person who presents in a way that does not conform with traditional gender expectations.*

*Investigation division. The term "investigation division" means any departmental unit responsible for investigating allegations of staff misconduct.*

*Non-binary. The term "non-binary" describes a person who does not identify as male or female.*

*Sexual abuse. The term "sexual abuse" includes sexual abuse of an incarcerated individual by staff or sexual abuse by an incarcerated individual.*

*Sexual abuse by staff of an incarcerated individual. The term "sexual abuse by staff" includes any of the following acts conducted by staff, with or without consent of the incarcerated individual, including when such acts occur during the course of an otherwise authorized search procedure: (1) contact between the penis and*

*the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire; (4) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument; (5) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the staff member has the intent to abuse, arouse, or gratify sexual desire; and (6) any attempt to engage in the acts described in paragraphs (1) through (5) of this definition.*

*Sexual abuse by an incarcerated individual. The term “sexual abuse by an incarcerated individual” includes any of the following acts if the victim and perpetrator are both incarcerated individuals, and if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.*

*Sexual harassment. The term “sexual harassment” includes (1) any unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature; and (2) any verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.*

*Staff. The term “staff” means an employee who works directly for the department.*

*b. Within 90 days of July 1, 2019 and every six months thereafter, the department shall provide to the speaker of the council and the board of correction a report of alleged incidents of sexual abuse and sexual harassment for which an investigation lasted longer than 90 days that occurred during the preceding six-month period, provided that the information required in paragraphs 14 through 25 of this subdivision need not be included in such reports until the report due within 90 days of July 1, 2021. All data shall be reported in a format capable of automated processing. Such report shall include the following information for each allegation of sexual abuse and sexual harassment:*

*1. The date on which the incident occurred and whether the incident took place between the times of 7:00 AM and 3:00 PM, 3:00 PM and 11:00 PM, and 11:00PM and 7:00 AM;*

*2. Whether the allegation is of sexual abuse or sexual harassment as defined in subdivision a of this section;*

*3. The date the incident was reported and an investigation was opened;*

*4. The gender of the alleged victim;*

*5. Whether the alleged victim at the time of the incident was between the ages of 18-25, 26-35, 36-40, 41-60, over 60, or under 18 when such individuals are in department custody;*

*6. The race and ethnic origin of the alleged victim;*

*7. Whether the alleged victim had been in custody for more than 24 hours and who, during such confinement, received treatment for a mental illness, not including incarcerated individuals seen by mental health staff on no more than two occasions during their confinement and assessed on the latter of those occasions as having no need for further treatment in any city correctional facility or upon their release from any such facility;*

*8. The gender of the alleged perpetrator;*

*9. Whether the alleged perpetrator was an incarcerated individual or staff;*

*10. If the alleged perpetrator was staff, the number of previous allegations against the staff that were substantiated and the outcome of each investigation;*

*11. If the alleged perpetrator was staff, the number of previous allegations against such staff that were unsubstantiated;*

*12. If the alleged perpetrator was staff, the number of previous allegations against such staff which are still pending;*

*13. The facility in which the incident occurred;*

*14. Whether the incident occurred in a service area or housing area;*

15. *If the incident occurred in a housing area, the housing area type;*
16. *Whether video camera surveillance recorded the incident;*
17. *The type of sexual abuse or harassment as defined in subdivision a of this section;*
18. *Whether the alleged victim is known to identify as transgender or intersex;*
19. *Whether the alleged victim is known to identify as non-binary or gender non-conforming;*
20. *Whether the alleged victim is known to identify as lesbian, gay or bi-sexual;*
21. *Whether DNA or any other physical evidence was obtained;*
22. *Whether a rape kit was administered, declined or not applicable;*
23. *If a rape kit was deemed not applicable, whether that determination was the result of a delay in reporting, due to the type of abuse alleged to have occurred, or any other reason;*
24. *Whether a sexual assault nurse examiner or sexual assault response team was present during the administration of a rape kit; and*
25. *Whether the case was referred to the department of investigation, the date of such referral, and whether the department of investigation referred it back to the department of correction to investigate.*

*c. Within 90 days of July 1, 2019, and every six months thereafter, the department shall report to the council and the board of correction a report of investigations of allegations of sexual abuse and sexual harassment that concluded during the preceding six-month period, provided that the information required in paragraphs 14 through 25 of subdivision b and paragraphs 8 through 11 of this subdivision need not be included in such reports until the report due within 90 days of July 1, 2021. All data shall be reported in a format capable of automated processing. Such report shall include the following information in addition to the information in paragraphs 1 through 25 of subdivision b of this section:*

1. *The date the investigation was opened and closed;*
2. *Whether the department determined that the incident was substantiated, unsubstantiated, or unfounded;*
3. *Whether the allegation was referred to a district attorney's office and whether that district attorney's office declined to prosecute, and whether the alleged perpetrator was convicted during the reporting period;*
4. *Whether the investigation was conducted by the facility or by the investigation division;*
5. *Where an investigation was referred to the investigation division, the reason for such referral;*
6. *Whether the investigation was referred back from the investigative division to the department facility and the reason for such referral;*
7. *Whether the alleged victim was notified regarding the outcome of the investigation;*
8. *Whether the alleged victim was referred to trauma or rape crisis services following the incident and if the victim accepted or declined such services while in custody;*
9. *Whether the alleged perpetrator and alleged victim were separated from physical contact during pendency of the investigation;*
10. *For substantiated allegations, if the perpetrator was a staff person, whether during the pendency of the investigation such staff person resigned, was suspended, placed on modified duty, assigned to a post without contact with incarcerated individuals, assigned to a post with restricted contact with incarcerated individuals, placed on administrative leave, or administered any other form of discipline;*
11. *For substantiated allegations, whether the allegation was referred for disciplinary action, including whether the department declined to file disciplinary charges, or if disciplinary charges were filed, the outcome of such disciplinary proceeding and whether the alleged staff perpetrator resigned or retired in lieu of charges or as part of a negotiated plea.*

*d. Within 90 days of July 1, 2019, and every six months thereafter, the department shall post on its website the information required in subdivisions b and c of this section in the aggregate, including the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such aggregated reports shall include the number of cases pending for over 90 days. Such reports shall be stored on the department's website for at least ten years.*

*e. Unless otherwise precluded by law, the correctional health authority shall assist the department in collecting the data enumerated in subdivisions b and c of this section.*

*f. The department shall review this incident data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training by*

*identifying problem areas and trends, taking corrective action on an ongoing basis and providing a semiannual assessment report to the council on its findings and corrective actions for each facility, as well as the department as a whole. Such semiannual assessment report shall also review the need for policy and practice changes, assess whether vulnerable populations are particularly at risk and review whether staffing levels are adequate, whether investigation practices need to be revised and whether monitoring technology needs to be deployed or improved. Such semiannual assessment report shall include a comparison of the current six months' data and corrective actions with those from the prior six months and shall provide an assessment of the department's progress in addressing sexual abuse and sexual harassment. Such a report shall be provided to the public and to the speaker of the council within 90 days following the end of each reporting period starting on July 1, 2019 and every six months thereafter.*

*g. The department shall ensure that all data collected pursuant to this section is securely retained, and shall retain such data indefinitely after the date of the initial collection unless federal or state law requires otherwise.*

*h. The department shall report the information required pursuant to this subdivision notwithstanding any other provision of local law. Before making data collected pursuant to this section available to the speaker of the council, board of correction, and the public, the department shall remove an individual's name, all personal identifying information as defined by subdivision (a) of section 10-501, and any other information the disclosure of which would violate any federal or state laws.*

§ 2. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, December 18, 2018. *Other Council Members Attending: Council Members Van Bramer, Koslowitz, Borelli, Cumbo and Rose.*

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

Report for Int. No. 1090-A

**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on allegations of sexual abuse and sexual harassment on visitors.**

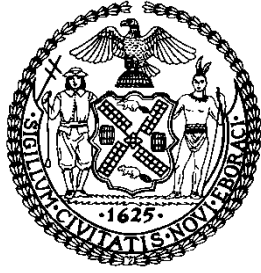
The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on August 29, 2018 (Minutes, page 3304), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 933-B printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No.1090-A:*





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

**PROPOSED INTRO. NO:** 1090-A  
**COMMITTEE:** Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on allegations of sexual abuse and sexual harassment on visitors

**SPONSORS:** Council Members Dromm, Rivera, Lander, Kallos, Rosenthal, Lancman, and Chin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1090-A would require the Department of Correction (DOC) to collect and analyze allegations of sexual abuse, sexual harassment, and interventions against visitors and issue two reports within 90 days of July 1, 2019, and every six months thereafter: one report to the Speaker of the Council and the Board of Correction (BOC) of alleged incidents of sexual abuse, sexual harassment, and interventions against visitors by staff that occurred during the preceding six months period for investigations that lasted longer than 90 days, and a second report to the Speaker and the BOC of such investigations that concluded during the preceding six-month period. Additionally, this bill would require the DOC to implement annual training regarding the treatment of visitors for staff who interact regularly with visitors and submit a report to the Speaker, the BOC, and post it on the DOC website within 30 days of January 1, 2020 and every year thereafter.

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

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on August 29, 2018 as Intro. No. 1090 and referred to the Committee on Criminal Justice (the Committee). A hearing was held by the Committee on September 6, 2018 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1090-A, will be voted on by the Committee at a hearing on December 18, 2018. Upon successful vote by the Committee, Proposed Intro. No. 1090-A will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 18, 2018.

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

**(The following is the text of Int. No. 1090-A:)**

Int. No. 1090-A

By Council Members Dromm, Rivera, Lander, Kallos, Rosenthal, Lancman, Chin and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on allegations of sexual abuse and sexual harassment on visitors**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 9-140 of the administrative code of the city of New York, as added by local law number 85 for the year 2015, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms have the following meanings:

**Borough jail facility.** The term “borough jail facility” means any department facility in which [inmates] *incarcerated individuals* are housed by the department and that is located outside Rikers Island.

**City jail.** The term “city jail” means any department facility in which [inmates] *incarcerated individuals* are housed by the department.

**Complaint.** The term “complaint” means a report made to the department or received by the department from any other city entity regarding an alleged act of sexual abuse, sexual harassment, or intervention against a visitor, including reports made on behalf of another person.

**Intervention.** The term “intervention” means an incident in which staff use their hands or other parts of their body, or other physical method to restrain, subdue, or compel a visitor to act or stop acting in a particular way.

**Professional.** The term “professional” [means a person who is] *refers to people who are properly identified as providing services or assistance to [inmates] incarcerated individuals, including but not limited to lawyers, doctors, religious advisors, public officials, therapists, counselors, and media representatives.*

**Sexual abuse.** The term “sexual abuse” includes any of the following acts against a visitor, performed by staff with or without consent of the visitor, including when such acts occur during the course of an otherwise authorized search procedure: (1) contact between the penis and the vulva or the penis and the anus, including but not limited to penetration, however slight; (2) contact between the mouth and the penis, vulva, or anus; (3)

contact between the mouth and any body part where the staff has the intent to abuse, humiliate, arouse, or gratify sexual desire; (4) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument; (5) any other intentional contact, either directly or through clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks where the staff has the intent to abuse, arouse, or gratify sexual desire; and (6) any attempt to engage in the activities described in paragraphs (1) through (5) of this definition.

*Sexual harassment.* The term “sexual harassment” means acts conducted by staff on visitors, including (1) any unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature; and (2) any verbal comments or gestures of a sexual nature, including demeaning references to gender, sexual orientation, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

*Staff.* The term “staff” means anyone other than an incarcerated individual who is directly employed by the department.

*Visitor.* The term “visitor” means any person who enters a city jail with the stated intention of visiting an [inmate] incarcerated individual at any city jail, or any person who is screened by the department for visitation purposes, including but not limited to professionals and any person who registers to visit an [inmate] incarcerated individual in the department’s visitor tracking system.

§ 2. Subdivision c of section 9-140 the administrative code of the city of New York, as added by local law number 85 for the year 2015, is amended to read as follows:

c. [The commissioner shall post a report containing the information in subdivision b of this section for the four quarters prior to January 1, 2016, to the extent that such information is available.] *Within 90 days of July 1, 2019, and every six months thereafter, the department shall submit to the speaker of the council and the board of correction a report of alleged incidents of sexual abuse, sexual harassment and interventions against visitors by staff that occurred during the preceding six month period for which an investigation lasted longer than 90 days, provided that the information required in paragraphs 7 through 16 need not be included in such reports until the report due within 90 days of July 1, 2021. The information required by this subdivision shall be reported in a format capable of automatic processing. Such report shall include the following information for each allegation of sexual abuse, sexual harassment and intervention:*

1. *The date on which the incident occurred and whether the incident took place between the times of 7:00 AM and 3:00 PM, 3:00 PM and 11:00 PM, or 11:00PM and 7:00 AM;*
2. *Whether the incident occurred at Rikers Island or at a borough facility, and at which facility the incident occurred;*
3. *The method by which the incident was reported and the date of reporting;*
4. *Whether the alleged perpetrator completed staff training pursuant to subdivision f, and the last date such training was received;*
5. *The gender of the alleged victim;*
6. *Whether the alleged victim at the time of the incident was between the ages of 18-25, 26-35, 36-40, 41-60, over 60, or under 18;*
7. *Whether the alleged victim claimed that the perpetrator of the sexual abuse, sexual harassment or intervention intentionally selected them in whole or in part because of a belief or perception regarding the alleged victim’s gender or sexual orientation, regardless of whether such belief or perception was correct;*
8. *Whether the alleged victim claimed that the perpetrator of the sexual abuse, sexual harassment or intervention intentionally committed the act in whole or in part because of a belief regarding the victim’s gender or sexual orientation, regardless of whether such belief or perception was correct;*
9. *For interventions, whether emergency medical services was called;*
10. *The gender of the staff alleged to have engaged in sexual abuse, sexual harassment or an intervention against a visitor;*
11. *Whether the incident occurred in a restroom, a visitor’s waiting area, or another location;*
12. *Whether the alleged victim is known to identify as transgender or intersex;*
13. *Whether the alleged victim is known to identify as lesbian, gay or bi-sexual;*
14. *The type of acts of sexual abuse or harassment as defined in subdivision a of this section;*

15 For allegations of sexual abuse and harassment, whether such allegation consists of conduct consistent with the definition of sexual abuse or harassment under section 115.6 of title 28 of the code of federal regulations and any successor regulation; and

16. Whether the incident occurred during the course of an otherwise authorized search of the visitor.

§ 3. Section 9-140 of the administrative code of the city of New York is amended by adding new subdivisions d through h to read as follows:

d. Within 90 days of July 1, 2019, and every six months thereafter, the department shall report to the speaker of the council and the board of correction a report of investigations of sexual abuse, sexual harassment and intervention against visitors by staff that were concluded during the preceding six-month period. Such report shall include the information set forth in paragraphs 1 through 16 of subdivision c of this section for each such concluded investigation of sexual abuse, sexual harassment and intervention; provided, however, that the information required in paragraphs 6 through 16 of subdivision c need not be included in such reports until the report due within 90 days of July 1, 2021. The information required by this subdivision shall be reported in a format capable of automatic processing. Reports made pursuant to this subdivision shall also include the following information for each such investigation:

1. Whether the department determined that the allegation was substantiated, unsubstantiated, or unfounded, and the date when such a determination was made; and

2. For substantiated allegations, whether the staff accused of sexual abuse, sexual harassment or intervention against a visitor resigned, retired, was suspended, placed on modified duty, placed on administrative leave or administered any other form of discipline, and whether criminal charges were brought.

e. Within 90 days of July 1, 2019, and every six months thereafter, the department shall submit to the council and post on its website the information required in subdivisions c and d of this section in the aggregate, including the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such reports shall include the number of cases pending for over 90 days. Such reports shall be stored on the department's website for at least ten years.

f. The department shall implement annual training regarding the treatment of visitors for staff who interact regularly with visitors. The department shall issue reports on such trainings, including descriptions of the training materials and the number of staff who have received the training. Such reports shall be submitted to the speaker of the council, the board of correction and posted on the department's website within 30 days of January 1 of each year.

g. The department shall ensure that all data collected pursuant to this section is securely retained, and shall retain such data indefinitely after the date of initial collection unless federal or state law requires otherwise.

h. The department shall report the information required pursuant to this subdivision notwithstanding any other provision of local law. Before making data collected pursuant to this section available to the speaker of the council, board of correction, and the public, the department shall remove an individual's name, all personal identifying information as defined by subdivision (a) of section 10-501, and any other information the disclosure of which would violate any federal or state laws.

§ 4. This local law takes effect immediately.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, December 18, 2018. *Other Council Members Attending: Council Members Van Bramer, Koslowitz, Borelli, Cumbo and Rose.*

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

### **Report of the Committee on Finance**

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

Report for Int. No. 1303

**Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty.**

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on December 20, 2018, respectfully

### **REPORTS:**

#### **ANALYSIS**

Various provisions in the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year’s budget. The Charter specifies certain dates by which the Mayor must submit his or her Preliminary Budget, as well as the preliminary certificate on maximum capital debt and obligations. The Charter also prescribes the dates for preliminary budget actions taken by other governmental officials, such as the City Council.

This Preconsidered Int. would provide for an extension of the date for Fiscal 2020 of the Mayor’s submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects; the Mayor’s submission of the preliminary budget; the Mayor’s submission of the preliminary management report; the Independent Budget Office’s report with respect to expected levels of revenues and expenditures; the Community Boards’ statements and recommendations in regard to the preliminary budget; the Department of Finance’s estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected; the Mayor’s submission of tax benefit report; the Borough Boards’ statements on budget priorities after public hearing; the Council’s approval and submission of its operating budget; the Borough President’s modifications and recommendations; the Campaign Finance Board’s approval and submission of its operating budget; the Independent Budget Office’s report on the

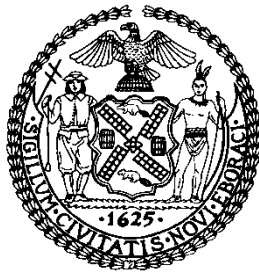
preliminary budget; the Council's hearings and submission of recommendations on the preliminary budget; and the Council's public hearings and report with recommendations on Mayor's preliminary management report.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions would be extended as follows:

<u>Document</u>	<u>Charter Deadline</u>	<u>Proposed Extended Date for Fiscal 2020</u>
Mayor's submission of the draft ten-year capital strategy (Section 228)	November 1, 2018	February 7, 2019
City Planning Commission's submission of comments on the draft ten-year capital strategy (Section 234)	January 16, 2019	March 7, 2019
Mayor's submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects (Section 235)	January 16, 2019	February 7, 2019
Mayor's submission of the preliminary budget (Section 236)	January 16, 2019	February 7, 2019
Mayor's submission of the preliminary management report (Section 12(a))	January 30, 2019	February 21, 2019
Independent Budget Office's report with respect to expected levels of revenues and expenditures (Section 237)	February 1, 2019	February 22, 2019
Community Board statements and recommendations in regard to the preliminary budget (Section 238)	February 15, 2019	March 8, 2019
Department of Finance's estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected (Section 239)	February 15, 2019	March 8, 2019
Mayor's submission of tax benefit report (Section 240)	February 15, 2019	March 8, 2019
Borough Board statement on budget priorities after public hearing (Section 241)	February 25, 2019	March 19, 2019
Council's approval and submission of operating budget (Section 243)	March 10, 2019	April 1, 2019
Borough President modifications and recommendations (Section 245)	March 10, 2019	April 1, 2019
Campaign Finance Board's approval and submission of operating budget (Section 1052(c))	March 10, 2019	April 1, 2019
Independent Budget Office's report on the preliminary budget (Section 246)	March 15, 2019	April 5, 2019

Council’s hearings and submission of recommendations on the preliminary budget and the Mayor’s preliminary management report (Section 247)	March 25, 2019	April 16, 2019
Council’s public hearings and report with recommendations on Mayor’s preliminary management report (Section 12(e))	April 8, 2019	April 30, 2019

**(The following is the text of the Fiscal Impact Statement for Int. No. 1303:)**



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

**PRECONSIDERED INTRO. 1303:**

**COMMITTEE:** Finance

**TITLE:** A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of

**SPONSOR(S):** Council Member Dromm (by request of the Mayor)

submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty

**SUMMARY OF LEGISLATION:** This legislation would change certain budget-related, charter-mandated deadline dates in the following manner:

<u>Document</u>	<u>Charter Deadline</u>	<u>Proposed Extended Date for Fiscal 2020</u>
Mayor's submission of the draft ten-year capital strategy (Section 228)	November 1, 2018	February 7, 2019
City Planning Commission's submission of comments on the draft ten-year capital strategy (Section 234)	January 16, 2019	March 7, 2019
Mayor's submission and publication of a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects (Section 235)	January 16, 2019	February 7, 2019
Mayor's submission of the preliminary budget (Section 236)	January 16, 2019	February 7, 2019
Mayor's submission of the preliminary management report (Section 12(a))	January 30, 2019	February 21, 2019
Independent Budget Office's report with respect to expected levels of revenues and expenditures (Section 237)	February 1, 2019	February 22, 2019
Community Board statements and recommendations in regard to the preliminary budget (Section 238)	February 15, 2019	March 8, 2019
Department of Finance's estimate of assessed valuation of real property and certified statement of all real property taxes due and uncollected (Section 239)	February 15, 2019	March 8, 2019



Mayor's submission of tax benefit report (Section 240)	February 15, 2019	March 8, 2019
Borough Board statement on budget priorities after public hearing (Section 241)	February 25, 2019	March 19, 2019
Council's approval and submission of operating budget (Section 243)	March 10, 2019	April 1, 2019
Borough President modifications and recommendations (Section 245)	March 10, 2019	April 1, 2019
Campaign Finance Board's approval and submission of operating budget (Section 1052(c))	March 10, 2019	April 1, 2019
Independent Budget Office's report on the preliminary budget (Section 246)	March 15, 2019	April 5, 2019
Council's hearings and submission of recommendations on the preliminary budget and the Mayor's preliminary management report (Section 247)	March 25, 2019	April 16, 2019
Council's public hearings and report with recommendations on Mayor's preliminary management report (Section 12(e))	April 8, 2019	April 30, 2019

**EFFECTIVE DATE:** This local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of November 1, 2018.

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Rebecca Chasan, Senior Counsel

**ESTIMATE REVIEWED BY:** Latonia McKinney, Director

**LEGISLATIVE HISTORY:** This Preconsidered Intro. will be considered at a hearing of the Committee on Finance (Committee) on December 20, 2018. Upon successful vote by the Committee, the Preconsidered Intro. will be introduced to the full Council and voted on at a Stated meeting on December 20, 2018.

**DATE PREPARED:** January 12, 2018.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1303:)**

Int. No. 1303

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

**A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2019 and in relation to the 2020 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 21, 2019, and the council shall conduct public hearings on such report prior to April 30, 2019 and submit to the mayor and make public not later than April 30, 2019, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 7, 2019.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 7, 2019.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 7, 2019.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 218 for the year 2017, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 7, 2019.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 22, 2019.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 8, 2019.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 8, 2019.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 8, 2019.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 19, 2019.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than April 1, 2019.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 1, 2019.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 5, 2019.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 16, 2019.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 1, 2019.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of November 1, 2018.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 1303:)**

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

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

**A LOCAL LAW**

**In relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough**

**presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty**

Given under my hand and seal this 17th day of  
December, 2019 in the City of New York.

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Bill de Blasio  
Mayor

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

Preconsidered Res. No. 674

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 20, 2018, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”). On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”). On June 14, 2016, the Council adopted the expense budget for fiscal year 2017 with various programs and initiatives (the “Fiscal 2017 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2019 Expense Budget, the new designation and the changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2018 Expense Budget, the new designation and the changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2017 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets.

This Resolution, dated December 20, 2018, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with

the Fiscal 2019 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local funding in accordance with the Fiscal 2017 Expense Budget, and amends the description for the Description/Scope of Services of a certain organization receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to a certain initiative pursuant to the Fiscal 2019 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2019 Expense Budget, as described in Charts 4-16; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as described in Chart 17; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as described in Chart 18; amends the description for the Description/Scope of Services of a certain organization receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as described in Chart 19; amends the description for the Description/Scope of Services of a certain organization receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as described in Chart 20; and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2017 Expense Budget, as described in Chart 21.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2019 Expense Budget. This change will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2019 Expense Budget. This change will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designations of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2019 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 8 sets forth the new designation of a certain organization receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2019 Expense Budget. This change will be effectuated upon a budget modification.

Chart 9 sets forth the new designation of certain organizations receiving funding pursuant to the Center for Court Innovation Initiative in accordance with the Fiscal 2019 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2019 Expense Budget. These changes will be effectuated upon a budget modification.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 14 sets forth the new designation of a certain organization receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2019 Expense Budget. This change will be effectuated upon a budget modification.

Chart 15 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 16 sets forth the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget. This change will be effectuated upon a budget modification.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 18 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget.

Chart 19 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 20 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 21 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2017 Expense Budget.

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

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

It should further be noted that that funding for organizations in the attached Charts with a triple asterisk (\*\*\*) indicates that there has been a technical adjustment to the designation than provided in a prior Resolution.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 674:)**

Preconsidered Res. No. 674

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

By Council Member Dromm.

**Whereas**, On June 14, 2018 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

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

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 1; and be it further



**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Center for Court Innovation Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21.

**ATTACHMENT:**

**CHART 1: Local Initiatives - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cumbo	Alliance of Resident Theatres/New York, Inc. **	13-2768583	DYCD	(\$3,000)	260	005	
Cumbo	Alliance of Resident Theatres/New York, Inc. **	13-2768583	DCLA	\$3,000	126	003	
Johnson	Alliance of Resident Theatres/New York, Inc. **	13-2768583	DYCD	(\$5,000)	260	005	
Johnson	Alliance of Resident Theatres/New York, Inc. **	13-2768583	DCLA	\$5,000	126	003	
Torres	Bronx River Art Center, Inc **	13-3261148	DCLA	(\$10,000)	126	003	
Torres	Committee for Hispanic Children and Families, Inc., The - Public School 59X **	11-2622003	DYCD	\$10,000	260	312	
Richards	New York City Housing Authority - OceanBay Bayside **	13-6400434	HPD	(\$1,000)	806	012	
Richards	Community Center of the Rockaway Peninsula, Inc. **	11-3064561	DYCD	\$1,000	260	005	
Rivera	Friends of Corlears Hook Park, Inc. ***	47-3832182	DPR	(\$2,500)	846	006	
Rivera	City Parks Foundation - Charlie Parker Festival ***	13-3561657	DPR	\$2,500	846	006	
Constantinides	HANAC, Inc. - Child and Family Preventive Service **	11-2290832	DYCD	(\$1,000)	260	312	
Constantinides	CUNY Creative Arts Team **	13-3893536	CUNY	\$1,000	042	001	

\* Indicates pending completion of pre-qualification review.

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

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART 2: Anti-Poverty Initiative - Fiscal 2019**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Torres	JustFix, Inc. **	81-3080695	HPD	(\$5,000)	806	009	*
Torres	Committee for Hispanic Children and Families, Inc., The - Public School 59X **	11-2622003	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 3: Youth Discretionary - Fiscal 2019**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Constantinide	Child Center of NY, Inc., The - Baseball League	11-1733454	DYCD	(\$1,000)	260	312	
Constantinide	HANAC, Inc. - Student Program	11-2290832	DYCD	\$1,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 4: Cultural After-School Adventure (CASA) - Fiscal 2019**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
King	Department of Cultural Affairs - Public School 153X	13-6400434	DCLA	(\$20,000)	126	003	*
King	Ballet Hispanico of New York, Inc.	13-2685755	DCLA	\$20,000	126	003	
Torres	Committee for Hispanic Children and Families, Inc., The **	11-2622003	DCLA	(\$20,000)	126	003	
Torres	Bronx River Art Center, Inc. - Public School 003X	13-3261148	DCLA	\$20,000	126	003	
Reynoso	Afro-Latin Jazz Alliance of New York, Inc. - PS 18K ***	45-3665976	DCLA	(\$20,000)	126	003	
Reynoso	Brooklyn Arts Council, Inc. - PS 18K ***	23-7072915	DCLA	\$20,000	126	003	

\* Indicates pending completion of pre-qualification review.

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

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART 5: NYC Cleanup Initiative - Fiscal 2019**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Johnson	Department of Sanitation **	13-6400434	DSNY	\$50,000	827	102	

\* Indicates pending completion of pre-qualification review.

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

**CHART 6: Parks Equity Initiative - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Koo	City Parks Foundation **	13-3561657	DPR	(\$5,000)	846	006	
Koo	Bowne House Historical Society, Inc., The - Beautify Historic Flushing **	11-6111192	DYCD	\$5,000	260	005	
Torres	City Parks Foundation **	13-3561657	DPR	(\$15,000)	846	006	
Torres	Mary Mitchell Family and Youth Center, Inc. **	13-3385032	DYCD	\$10,000	260	312	
Torres	Department of Parks and Recreation - Movie Night	13-6400434	DPR	\$5,000	846	006	
Salamanca	Department of Parks and Recreation - Bill Reiney Garden	13-6400434	DPR	(\$15,000)	846	006	
Salamanca	Department of Parks and Recreation - Playground 52 Backboards	13-6400434	DPR	\$15,000	846	006	

\* Indicates pending completion of pre-qualification review.

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



**CHART 7: Educational Programs for Students - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Department of Education - Public School 160Q **	13-6400434	DOE	\$100,000	040	402	
City College 21st Century Foundation, Inc., The - STEM Program **	13-3850823	CUNY	\$500,000	042	001	*

\* Indicates pending completion of pre-qualification review.

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

**CHART 8: Discretionary Child Care - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Nasry Michelen Day Care Center, Inc.	20-3108162	ACS	\$200,000	068	004	

\* Indicates pending completion of pre-qualification review.

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

**CHART 9: Center for Court Innovation - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Fund for the City of New York, Inc. - Center for Court Innovation **	13-2612524	MOCJ	\$200,000	098	002	
Fund for the City of New York, Inc. **	13-2612524	MOCJ	\$150,000	098	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART 10: Veterans Community Development - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Harlem United Community AIDS Center, Inc.	13-3461695	DYCD	(\$20,000)	260	005	
Giving Alternative Learners Uplifting Opportunities, Inc.	05-0615968	DYCD	\$20,000	260	005	
Harlem United Community AIDS Center, Inc.	13-3461695	DYCD	(\$10,000)	260	005	
Row New York, Inc.	11-3632924	DYCD	\$10,000	260	005	

\* Indicates pending completion of pre-qualification review.

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

**CHART 11: Young Women's Leadership Development - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Arab-American Family Support Center, Inc., The **	11-3167245	DYCD	\$15,000	260	312	
Digital Girl, Inc. **	47-2288307	DYCD	\$25,000	260	312	
Drama Club, Inc. **	30-0836513	DYCD	\$19,000	260	312	
Fund for the City of New York, Inc. **	13-2612524	DYCD	\$16,000	260	312	
Girls for Gender Equity, Inc. **	04-3697166	DYCD	\$20,000	260	312	
Girls Who Code, Inc. **	30-0728021	DYCD	\$20,000	260	312	
Grand Street Settlement, Inc. **	13-5562230	DYCD	\$10,000	260	312	
Korean American Family Service Center, Inc., The **	13-3609811	DYCD	\$10,000	260	312	
Row New York, Inc. **	11-3632924	DYCD	\$15,000	260	312	
Staten Island Urban Center **	37-1833463	DYCD	\$20,000	260	312	
Student Leadership Network, Inc. **	06-1517218	DYCD	\$20,000	260	312	
Brotherhood Sister Sol, Inc., The **	13-3857387	DYCD	\$35,000	260	312	
Sadie Nash Leadership Project, Inc. **	11-3633912	DYCD	\$25,000	260	312	
Junior Achievement of New York **	13-3031828	DYCD	\$25,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART 12: Immigrant Opportunities Initiative - Fiscal 2019**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Catholic Migration Services, Inc. ***	11-2634818	DSS/HRA	(\$126,000)	069	107	
Mobilization for Justice, Inc. ***	13-2622748	DSS/HRA	\$126,000	069	107	

\* Indicates pending completion of pre-qualification review.

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

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART 13: Legal Services for the Working Poor - Fiscal 2019**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Catholic Migration Services, Inc. ***	11-2634818	DSS/HRA	(\$455,000)	069	107	
Mobilization for Justice, Inc. ***	13-2622748	DSS/HRA	\$455,000	069	107	

\* Indicates pending completion of pre-qualification review.

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

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART 14: Afterschool Enrichment Initiative - Fiscal 2019**

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Dominicanos USA **	46-3738190	DYCD	\$25,000	260	312	*

\* Indicates pending completion of pre-qualification review.

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



**CHART 15: Viral Hepatitis Prevention - Fiscal 2019**

Organization - Program	EIN	Agency	Amount	Agy #	U/A	*
Health + Hospitals - Coney Island Hospital	13-6400434	DHMH	(\$53,880)	816	112	
Health + Hospitals - Coney Island Hospital	13-2655001	DHMH	\$53,880	816	112	
Health + Hospitals - Kings County Hospital	13-6400434	DHMH	(\$53,880)	816	112	
Health + Hospitals - Kings County Hospital	13-2655001	DHMH	\$53,880	816	112	
Health + Hospitals - Bellevue Hospital	13-6400434	DHMH	(\$120,000)	816	112	
Health + Hospitals - Bellevue Hospital	13-2655001	DHMH	\$120,000	816	112	

\* Indicates pending completion of pre-qualification review.

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

**CHART 16: Senior Centers, Programs, and Enhancements - Fiscal 2019**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Conselyea Street Block Association, Inc. - Swinging 60s Senior Center	11-2347180	DFTA	\$400,000	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART 17: Local Initiatives - Fiscal 2018**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Gibson	Millennium Dance Company, Inc.	13-3916131	DYCD	(\$8,000)	260	312	
Gibson	BronxWorks, Inc.	13-3254484	DYCD	\$8,000	260	312	
Holden	Ridgewood Local Development Corporation	11-2483351	SBS	(\$15,000)	801	002	
Holden	Department of Small Business Services	13-6400434	SBS	\$15,000	801	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART 18: Local Initiatives - Fiscal 2017**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Vallone	RC Church St. Andrews Avellino - The Andrean Players	11-1635086	DYCD	(\$5,000)	260	005	
Vallone	RC Church St. Andrew Avellino - The Andrean Players	11-1635086	DYCD	\$5,000	260	005	
Gibson	Millennium Dance Company, Inc.	13-3916131	DYCD	(\$10,000)	260	312	
Gibson	BronxWorks, Inc.	13-3254484	DYCD	\$10,000	260	312	
Gibson	Millennium Dance Company, Inc.	13-3916131	DYCD	(\$10,000)	260	312	
Gibson	Catholic Charities Community Services, Archdiocese of New York	13-5562185	DYCD	\$10,000	260	312	
Holden	Ridgewood Local Development Corporation	11-2483351	DSBS	(\$15,000)	801	002	
Holden	Department of Small Business Services	13-6400434	DSBS	\$15,000	801	002	
Reynoso	Ridgewood Local Development Corporation	11-2483351	DSBS	(\$20,000)	801	002	
Reynoso	Department of Small Business Services	13-6400434	DSBS	\$20,000	801	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART 19: Purpose of Funds Changes - Fiscal 2019**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Speaker	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	(\$50,000)	Funds will be used to provide programmatic support for youth in Council District 31.	
Local	Speaker	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	\$50,000	Funds will be used to provide social services in Council District 31.	

\* Indicates pending completion of pre-qualification review.

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

**CHART 20: Purpose of Funds Changes - Fiscal 2018**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Speaker	Enterprise Community Partners, Inc.	52-1231931	HPD	(\$50,000)	Funding will be used to: Deepen relationships with existing service providers; Recruit more service providers in all three EHP neighborhoods; Develop a mobile enabled tool for EHP; Assess the impact of EHP on participating residents' housing stability.	
Local	Speaker	Enterprise Community Partners, Inc.	52-1231931	HPD	\$50,000	Funding for focus groups and surveys to assess the impact of participating residents housing stability.	

\* Indicates pending completion of pre-qualification review.

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

**CHART 21: Purpose of Funds Changes - Fiscal 2017**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Yeger	A Torah Infertility Medium of Exchange	11-3394747	DOHMH	(\$1,000)	Funds will be used for general operating costs.	*
Local	Yeger	A Torah Infertility Medium of Exchange	11-3394747	DOHMH	\$1,000	Funding to support general operating costs including educational workshops and seminars.	*
Local	Deutsch	A Torah Infertility Medium of Exchange	11-3394747	DOHMH	(\$8,500)	Funding will be used to cover general operating costs.	*
Local	Deutsch	A Torah Infertility Medium of Exchange	11-3394747	DOHMH	\$8,500	Funding to support general operating costs including educational workshops and seminars.	*
Parks Equity Initiative	Rosenthal	Riverside Park Conservancy, Inc. - Riverside Park	13-3443825	DPR	(\$10,000)	Scholarships for Riverside Park Sports Summer camp	*
Parks Equity Initiative	Rosenthal	Riverside Park Conservancy, Inc. - Riverside Park	13-3443825	DPR	\$10,000	Funding to support operational expenses associated with the running of Riverside Park Sports Summer camp.	*

\* Indicates pending completion of pre-qualification review.

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

#### Report for M-121

#### **Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget in regard to the transfer of City funds between various agencies in Fiscal Year 2019 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).**

The Committee on Finance, to which the annexed preconsidered communication was referred on December 20, 2018 and which same communication was coupled with the resolution shown below, respectfully

#### **REPORTS:**

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on December 20, 2018, the Committee on Finance considered a communication, dated December 17, 2018, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “modification” or “MN-1”), to modify units of appropriation and transfer City funds between various agencies in the amount of \$571,639,109 in the Fiscal 2019 expense budget as adopted by the Council on June 14, 2018.

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for Fiscal 2019 (the “Fiscal 2019 Expense Budget”). This Modification reallocates appropriations in the amount of \$571,639,109 that were reflected in the Fiscal 2019 Expense Budget to implement changes reflected in the November Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.



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

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chair, Finance Committee

FROM: Latonia R. McKinney, Director  
Ray Majewski, Deputy Director/Chief Economist  
Paul Scimone, Deputy Director  
Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director  
Rebecca Chasan, Senior Counsel

DATE: December 20, 2018

SUBJECT: A budget modification (MN-1) for Fiscal Year 2019 to implement changes in the City's expense budget.

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INITIATION: By letter dated December 17, 2018, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$571,639,109 to implement changes in the City's expense budget.

BACKGROUND: MN-1 reallocates appropriations that were reflected in the Fiscal 2019 Adopted Budget to implement expense budget changes which were reflected in the November Financial Plan and to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-1 represents the reallocation of appropriations. The net effect of this modification is zero.

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 677

**RESOLUTION APPROVING THE MODIFICATION (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.**

By Council Member Dromm.

**Whereas**, At a meeting of the Committee on Finance of the City Council of the City of New York

(the “City Council”) on December 20, 2018, the Committee on Finance considered a communication, dated December 17, 2018, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit 1 (the “Modification”), to modify units of appropriation and transfer city funds in the amount of \$571,639,109 in the Fiscal 2019 expense budget as adopted by the Council on June 14, 2018, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

**Whereas**, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

**NOW, THEREFORE**, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

**EXHIBIT 1: MN-1**

(Please see the New York City Council website at <https://council.nyc.gov/> for the MN-1 and Appendix A attachments to M-121 & Res. No. 677 of 2018 found in the attachments section of the respective legislative file web page)

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for M-122

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the appropriation of new revenues in Fiscal Year 2019, pursuant to Section 107(e) of the New York City Charter (MN-2).**

**Introduction.** At the meeting of the Committee on Finance of the City Council on December 20, 2018, the Council considered a communication from the Office of Management and Budget of the Mayor, dated December 17, 2018, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2019 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of December 17, 2018.

**Analysis.** The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 (the "Fiscal 2019

Expense Budget"). On December 17, 2018, the Mayor submitted to the Council MN-1, modifying the Fiscal 2019 Expense Budget. On December 17, 2018, the Mayor submitted to the Council a revenue estimate MN-2, related to the Fiscal 2019 Expense Budget.

Circumstances have changed since the Council adopted the Fiscal 2019 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2019 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-2) seeks to increase revenues in the net amount of \$505.7 million compared to the Fiscal 2019 Adopted Budget. This represents an increase in City funds of approximately 0.8 percent.

MN-2 is the first revenue modification of Fiscal 2019 and it reflects changes since the Fiscal 2019 Adopted Budget.

MN-2 recognizes \$505.7 million in increased revenues, including \$377 million in tax revenue, \$68.1 million in miscellaneous revenue, and \$60.6 million in unrestricted intergovernmental aid.

Tax revenues increased by \$377 million since the Adopted Budget. The majority of the increase, \$244 million, came from personal income tax collections, which benefited from a strong City economy. Additional tax revenues included \$44 million from the commercial rent tax, derived from a 99-year lease on 666 Fifth Avenue, \$37 million from the mortgage recording tax, and \$32 million from the general corporation tax. This was offset by a \$46 million decrease in unincorporated business tax revenue.

Miscellaneous revenues increased by \$68.1 million. This included an \$18.2 million increase in revenue from permits from the Department of Transportation.

This budget modification adds \$519.5 million to the Budget Stabilization Account, which will prepay debt service for Fiscal 2020. This addition is funded by the \$505.7 million increase in revenues, and a \$13.8 million reduction of the General Reserve.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2019 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

**(For text of Finance Memo, please see the Report of the Committee on Finance for M-122 printed in these Minutes)**

TO: Honorable Corey Johnson  
Speaker

Honorable Daniel Dromm  
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division  
 Raymond Majewski, Deputy Director/Chief Economist, Finance Division  
 Rebecca Chasan, Senior Counsel  
 Paul Sturm, Supervising Economist

DATE: December 20, 2018

SUBJECT: A Budget Modification (MN-2) for Fiscal 2019 that will appropriate \$505.7 million in new revenues.

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INITIATION: By letter dated December 17, 2018, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$505.7 million in new revenues. These new revenues, combined with additional resources of \$13.8 million from the General Reserve, will be used for prepayments of \$519.5 million to increase the Budget Stabilization Account.

BACKGROUND: This modification (MN-2) seeks to recognize \$505.7 million in new revenues, and combines \$13.8 million from the General Reserve, implementing changes reflected in the Fiscal 2019 November Plan. Of these funds, the total amount of \$519.5 million is added to the Budget Stabilization Account, which will prepay debt service for Fiscal 2020.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2019 budget of \$505.7 million.

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 678

**RESOLUTION APPROVING A MODIFICATION (MN-2) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.**

By Council Member Dromm.

**Whereas**, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on December 20, 2018, the Committee on Finance considered a communication, dated December 17, 2018, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

**Whereas**, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

**Whereas**, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

**NOW, THEREFORE**, The Council of the City of New York hereby resolves as follows:

**1. Approval of Modification.** The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

**2. Further Actions.** The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2019 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

**3. Effective Date.** This resolution shall take effect as of the date hereof.

**ATTACHMENT: [MN-2](#)**

(Please see the New York City Council website at <https://council.nyc.gov/> for the MN-2 Exhibit A and Exhibit B attachments to [M-122](#) & [Res. No. 678](#) of 2018 found in the attachments section of the respective legislative file web page)

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 290

**Report of the Committee on Finance in favor of a Resolution approving 36-38 West Gun Hill Road, Block 3324, Lot 59; Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

December 20, 2018

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

FROM: Rebecca Chasan, Senior Counsel, Finance Division  
Noah Brick, Assistant Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of December 20, 2018 – Resolutions approving a tax exemption for twenty Land Use items (Council Districts 2, 11, 13, 14, 16, 17, and 18)

**Items 1-15: Langsam 1-14 & 16**

The “Langsam 16” portfolio is comprised of 17 buildings containing 745 rent-stabilized residential units, 14 superintendent’s units, and 22 commercial units located in the Bronx.<sup>1</sup> Each project in the portfolio has a different corporate owner and different combinations of investors. Decathlon Consultants, Inc., assembled the portfolio. At closing, title for each project will transfer to a corresponding newly-formed Housing Development Fund Company, Inc. (“HDFC”) and the HDFC will enter into a nominee agreement with the current ownership entity.

**Item 1: Langsam 1 (135 W. 183rd St., Bronx)**

The Langsam 1 project consists of one building with 51 residential units, exclusive of one superintendent’s unit. Under the proposed project, 135 Realty Associates LLC will convey the fee interest in the Exemption Area to 135 Realty HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

The NYC Department of Housing Preservation and Development (“HPD”) is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 19 units would be rented only to households earning up to 55% of the Area Median Income (“AMI”), 24 units would be rented only to households earning up to 65% of the AMI, and eight units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3225, Lot 52
- Council District – 14
- Council Member – Cabrera

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<sup>1</sup> On December 11, 2018 the Council approved an Article XI property tax exemption for one of the Langsam projects: Langsam 15 at 396 and 400 East 199th Street in Council Member Torres’ district in the Bronx.

- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 51
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 135 Realty Associates LLC, 135 Realty HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.9M
- Housing Code Violations
  - Class A – 8
  - Class B – 8
  - Class C – 8
- AMI targets – 19 units at 55% AMI, 24 units at 65% AMI and 8 units at 80% AMI

**Item 2: Langsam 2 (1500-1502 Hone Ave., Bronx)**

The Langsam 2 project consists of one building with 48 residential units, exclusive of one superintendent's unit, and a commercial unit. Under the proposed project, 1500 Realty Associates will convey the fee interest in the Exemption Area to 1500 Hone HDFC. 1500 Realty Associates will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives a J-51 abatement from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, 1500 Realty Associates, and the HDFC will enter into a regulatory agreement ensuring that 20 units would be rented only to households earning up to 55% of the AMI, 14 units would be rented only to households earning up to 60% of the AMI, and 14 units would be rented only to households earning up to 70% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3225, Lot 52
- Council District – 13
- Council Member – Gronaj
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 48
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 1500 Realty Associates, 1500 Hone HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.9M
- Housing Code Violations – N/A
- AMI targets – 20 units at 55% AMI, 14 units at 60% AMI and 14 units at 70% AMI

**Item 3: Langsam 3 (1565-1573 White Plains Rd., Bronx)**

The Langsam 3 project consists of one building with 48 residential units, exclusive of one superintendent's unit. Under the proposed project, 1500 Realty Associates will convey the fee interest in the Exemption Area to 1565 White Plains HDFC. 1500 Realty Associates will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives no exemption from and/or abatement of real property taxation.

The Exemption Area currently does not receive any exemption from real property taxation. HPD, 1500 Realty Associates, and the HDFC will enter into a regulatory agreement ensuring that 14 units would be rented only to households earning up to 55% of the AMI, 25 units would be rented only to households earning up to 65% of the AMI, and nine units would be rented only to households earning up to 75% of the AMI.

Summary:

- Borough – Bronx
- Block 3923, Lot 9
- Council District – 18
- Council Member – Diaz
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 48
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 1500 Realty Associates, 1565 White Plains HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Housing Code Violations
  - Class C – 1
- Cost to the City - \$1.8M
- AMI targets – 14 units at 55% AMI, 25 units at 65% AMI and 9 units at 75% AMI

**Item 4: Langsam 4 (1975 Davidson Ave., Bronx)**

The Langsam 4 project consists of one building with 33 residential units, exclusive of one superintendent's unit, and four commercial units. Under the proposed project, 1975 Realty Associates LLC will convey the fee interest in the Exemption Area to 1975 Realty HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives a J-51 exemption from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 13 units would be rented only to households earning up to 50% of



the AMI, 14 units would be rented only to households earning up to 60% of the AMI, and six units would be rented only to households earning up to 80% of the AMI.

Summary:

- Borough – Bronx
- Block 2870, Lot 61
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 33
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 1975 Realty Associates LLC, 1975 Realty HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.5M
- Housing Code Violations
  - Class B – 6
  - Class C – 5
- AMI targets – 13 units at 50% AMI, 14 units at 60% AMI and 6 units at 80% AMI

**Item 5: Langsam 5 (2015 University Ave., Bronx)**

The Langsam 5 project consists of one building with 62 residential units, exclusive of one superintendent's unit. Under the proposed project, 2015 University Properties Corp. will convey the fee interest in the Exemption Area to 2015 University HDFC. The Corp. will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives a J-51 abatement from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the Corp., and the HDFC will enter into a regulatory agreement ensuring that 12 units would be rented only to households earning up to 50% of the AMI, 35 units would be rented only to households earning up to 65% of the AMI, and 15 units would be rented only to households earning up to 80% of the AMI.

Summary:

- Borough – Bronx
- Block 3216, Lot 48
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 62

- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 2015 University Properties Corp., 2015 University HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.5M
- Housing Code Violations
  - Class A – 3
  - Class B – 8
  - Class C – 2
- AMI targets – 12 units at 50% AMI, 35 units at 65% AMI and 15 units at 80% AMI

**Item 6: Langsam 6 (2733 Morris Ave., Bronx)**

The Langsam 6 project consists of one building with 37 residential units. Under the proposed project, 2733 Realty Company LLC will convey the fee interest in the Exemption Area to 2733 Morris HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives both a J-51 tax abatement and a J-51 exemption from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that nine units would be rented only to households earning up to 50% of the AMI, 15 units would be rented only to households earning up to 65% of the AMI, and 13 units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3317, Lot 36
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 37
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 2733 Realty Company LLC, 2733 Morris HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.6M
- Housing Code Violations
  - Class A – 9
  - Class B – 21
  - Class C – 25
- AMI targets – 9 units at 50% AMI, 15 units at 65% AMI and 13 units at 80% AMI

**Item 7: Langsam 7 (1249 Tinton Ave., Bronx)**

The Langsam 7 project consists of one building which includes 13 residential units, exclusive of one superintendent's unit, and a commercial unit. Under the proposed project, 1249 Tinton Associates LLC will convey the fee interest in the Exemption Area to 1249 Tinton HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that five units would be rented only to households earning up to 55% of the AMI, six units would be rented only to households earning up to 65% of the AMI, and two units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 2663, Lot 34
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 13
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 1249 Tinton Associates LLC, 1249 Tinton HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City - \$570k
- Housing Code Violations
  - Class A – 1
- AMI targets - 5 units at 50% AMI, 6 units at 65% AMI and 2 units at 80% AMI

**Item 8: Langsam 8 (1411 Townsend Ave., Bronx)**

The Langsam 8 project consist of one building with 58 residential units, exclusive of one superintendent's unit. Under the proposed project, 1411 Townsend Realty Corp. will convey the fee interest in the Exemption Area to 1411 Townsend HDFC. The Corp. will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives both a J-51 tax abatement and a J-51 exemption from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the Corp., and the HDFC will enter into a regulatory agreement ensuring that 11 units would be rented only to households earning up to 50% of the AMI, eight units would be rented only to households earning up to 70% of the AMI, and 39 units would be rented only to households earning up to 75% of the AMI.

**Summary:**

- Borough – Bronx
- Block 2843, Lot 24
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 58
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 1411 Townsend Realty Corp., 1411 Townsend HDFC, Decathlon Consultants, Inc. and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Housing Code Violations
  - Class A – 5
  - Class B – 26
  - Class C – 2
- Cost to the City - \$2.7M
- AMI targets – 11 units at 50% AMI, 8 units at 70% AMI, and 39 units at 75% AMI

**Item 9: Langsam 9 (1630 Macombs Rd., Bronx)**

The Langsam 9 project consists of one building with 51 residential units, exclusive of one superintendent's unit. Under the proposed project, 1630 Realty Associates LLC will convey the fee interest in the Exemption Area to 1630 Macombs HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives two J-51 abatements from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 16 units would be rented only to households earning up to 50% of the AMI, 12 units would be rented only to households earning up to 70% of the AMI, and 23 units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 2866, Lot 4
- Council District – 14
- Council Member – Cabrera

- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 51
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 1630 Realty Associates LLC, 1630 Macombs HDFC, Decathlon Consultants, Inc. and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$2.2M
- Housing Code Violations
  - Class A – 2
  - Class B – 2
- AMI targets – 16 units at 50% AMI, 12 units at 70% AMI and 23 units at 80% AMI

**Item 10: Langsam 10 (1988 Newbold Ave., Bronx)**

The Langsam 10 project consists of one building which includes 51 residential units, exclusive of one superintendent's unit, and three commercial units. Under the proposed project, 1020 Associates LLC will convey the fee interest in the Exemption Area to 1020 Associates HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives a J-51 abatement from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 10 units would be rented only to households earning up to 55% of the AMI, 23 units would be rented only to households earning up to 60% of the AMI, and 18 units would be rented only to households earning up to 75% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3794, Lot 34
- Council District – 18
- Council Member – Diaz
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 51
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 1020 Associates LLC, 1020 Associates HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Housing Code Violations
  - Class B – 6
  - Class C – 5
- Cost to the City - \$1.8M
- AMI targets – 10 units at 55% AMI, 23 units at 60% AMI and 18 units at 75% AMI

**Item 11: Langsam 11 (2816 Jerome Ave., Bronx)**

The Langsam 11 project consists of one building with 42 residential units, exclusive of one superintendent's unit. Under the proposed project, FSL Realty Co. LLC will convey the fee interest in the Exemption Area to FSL Realty HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives two J-51 abatements from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that eight units would be rented only to households earning up to 55% of the AMI, 25 units would be rented only to households earning up to 65% of the AMI, and nine units would be rented only to households earning up to 75% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3318, Lot 30
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 42
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – FSL Realty Co. LLC, FSL Realty HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.9M
- Housing Code Violations
  - Class B – 1
- AMI targets – 8 units at 55% AMI, 25 units at 65% AMI and 9 units at 75% AMI

**Item 12: Langsam 12 (3510 Decatur Ave., Bronx)**

The Langsam 12 project consist of one building with 48 residential units, exclusive of one superintendent's unit. Under the proposed project, 3510 Realty Corp. will convey the fee interest in the Exemption Area to 3510 Decatur HDFC. The Company will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives a J-51 abatement from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the Corp., and the HDFC will enter into a regulatory agreement ensuring that 13 units would be rented only to households earning up to 55% of the AMI, 18 units would be rented only to households earning up to 65% of the AMI, and 17 units would be rented only to households earning up to 80% of the AMI.

Summary:

- Borough – Bronx
- Block 3356, Lot 178
- Council District – 11
- Council Member – Cohen
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 48
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 3510 Realty Corp., 3510 Decatur HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Housing Code Violations
  - Class A – 15
  - Class B – 9
- Cost to the City – \$2.2M
- AMI targets – 13 units at 55% AMI, 18 units at 65% AMI and 17 units at 80% AMI

**Item 13: Langsam 13 (2265 Davidson Ave., Bronx)**

The Langsam 13 project consists of one building with 48 residential units, exclusive of one superintendent's unit, and 7 commercial units. Under the proposed project, 2265 Davidson Realty LLC will convey the fee interest in the Exemption Area to 2265 Davidson HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 12 units would be rented only to households earning up to 50% of the AMI, 22 units would be rented only to households earning up to 60% of the AMI, and 14 units would be rented only to households earning up to 70% of the AMI.

Summary:

- Borough – Bronx
- Block 3196, Lot 58
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 42

- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 2265 Davidson Realty LLC, 2265 Davidson HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City – \$1.9M
- Housing Code Violations
  - Class A – 6
  - Class B – 12
  - Class C – 17
- AMI targets – 12 units at 50% AMI, 22 units at 60% AMI and 14 units at 70% AMI

**Item 14: Langsam 14 (464 E. 159 St., Bronx)**

The Langsam 14 project consists of one building with 30 residential units, exclusive of one superintendent's unit. Under the proposed project, Longfellow-Hall LLC will convey the fee interest in the Exemption Area to Longfellow-Hall HDFC. The Company will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area currently receives a J-51 exemption from real property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that eight units would be rented only to households earning up to 50% of the AMI, 12 units would be rented only to households earning up to 70% of the AMI, and 10 units would be rented only to households earning up to 85% of the AMI.

**Summary:**

- Borough – Bronx
- Block 2380, Lot 48
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 30
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – Longfellow-Hall LLC, Longfellow-Hall HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the city – \$1.1M
- Housing violations
  - Class A – 5
  - Class B – 14
  - Class C – 10
- AMI targets – 8 units at 50%, 12 units at 70% AMI, and 10 units at 85% AMI



**Item 15: Langsam 16 (19-25 E. 213 St., Bronx)**

The Langsam 16 project consists of one building which includes 65 residential units, exclusive of one superintendent's unit, and one commercial unit. Under the proposed project, 1925 Realty Associates LLC will convey the fee interest in the Exemption Area to 1925 Realty HDFC. The Company will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to preserve affordability below increasing market rents while allowing for modest growth upon turnover. The Exemption Area currently receives three J-51 abatements and an exemption from real property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 21 units would be rented only to households earning up to 55% of the AMI, 37 units would be rented only to households earning up to 65% of the AMI, and seven units would be rented only to households earning up to 75% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3329, Lot 64
- Council District – 11
- Council Member – Cohen
- Council Member approval – yes
- Number of buildings – 1
- Number of units - 65
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 1925 Realty Associates LLC, 1925 Realty HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Housing Code Violations
  - Class A – 4
  - Class B – 8
- Cost to the City - \$2.2M
- AMI targets – 21 units at 55% AMI, 37 units at 65% AMI and 7 units at 75% AMI

**Item 16: 55 E. Mosholu Pkwy. N., Bronx**

55 East Mosholu Parkway North consists of one building with 44 residential units, exclusive of one superintendent unit, and one commercial unit. Under the proposed project, 55 East Mosholu Parkway North, LLC will convey the fee interest in the Exemption Area to 55 East Mosholu HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to maintain affordability for current tenants and to extend affordability of the project for an additional 30 years. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property. HPD, the LLC, and the HDFC will enter into a regulatory agreement ensuring that 10 units would be rented only to households earning up to 55% of the AMI, 25 units would be rented only to households earning up to 65% of the AMI, and nine units would be rented only to households earning up to 75% of the AMI.

Summary:

- Borough – Bronx
- Block 3326, Lot 100
- Council District – 11
- Council Member – Cohen
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 44
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental units
- Sponsor – 55 East Mosholu Parkway North, LLC, 55 East Mosholu HDFC, Decathlon Consultants, Inc., and Matthew Engel, Mark Engel, and David Fiederlein
- Purpose – preservation
- Cost to the City - \$1.5M
- Housing Code Violations
  - Class A – 3
  - Class B – 16
  - Class C – 2
- AMI targets – 10 units at 55% AMI, 25 units at 65% AMI, and nine units at 75% AMI

**Item 17: 3240 Henry Hudson Pkwy. E., Bronx**

3240 Hendry Hudson Parkway East North consists of one building with 107 residential units, exclusive of one superintendent's unit. Under the proposed project, Henry Hudson Nelson Apartments LLC will convey the fee interest in the Exemption Area to HP Henry Hudson HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area. The HDFC and the LLC will finance the acquisition of the Exemption Area with a loan from a private lending institution.

HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption for the Exemption Area to protect against tax increases driven by increasing property values in the neighborhood. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property and 70 units are either rent-controlled or rent-stabilized. HPD, the LLC, and the HDFC will enter into a regulatory agreement that to regulate these 70 plus two others that have become de-regulated: nine units would be rented only to households earning up to 55% of the AMI, 30 units would be rented only to households earning up to 85% of the AMI, 30 units would be rented only to households earning up to 105% of the AMI, two units would be rented only to households earning up to 125% of the AMI and one unit would be rented only to households earning up to 165% of the AMI.

Summary:

- Borough – Bronx
- Block 5789, Lot 24
- Council District – 11

- Council Member – Cohen
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 107
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental units
- Sponsor - Henry Hudson Nelson Apartments LLC, HP Henry Hudson HDFC, Nelson Management/ Global One Investments, LLC, and L+M
- Purpose – preservation
- Housing Code Violations
  - Class B – 5
  - Class C – 4
- Cost to the City - \$8.8M
- AMI targets – nine units at 55% AMI, 30 units at 85% AMI, 30 units at 105% AMI, two units at 125% and one unit at 165% AMI

**Item 18: 1425 Macombs Rd., Bronx**

1425 Macombs Road consists of one building with 37 residential units, exclusive of one superintendent's unit, and three commercial units. Under the proposed project 1441 Macombs Realty Corp. will convey the fee interest in the Exemption Area to 1441 Macombs Realty HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to maintain affordability for current tenants and to extend affordability of the project for an additional 30 years. The Exemption Area receives no exemption from and/or abatement of real property taxation.

Currently, there is no existing regulatory agreement for the property. HPD, the Corp., and the HDFC will enter into a regulatory agreement ensuring that 20 units would be rented only to households earning up to 55% of the AMI, 12 units would be rented only to households earning up to 70% of the AMI, and five units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 2857, Lot 81
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 37
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 1441 Macombs Realty Corp.
- Purpose – preservation
- Cost to the City – \$1.5M
- Housing Code Violations
  - Class B – 7
  - Class C – 2
- AMI targets – 20 units at 50% AMI, 12 units at 70% AMI and five units at 80% AMI

**Item 19: 36-38 W. Gun Hill Rd., Bronx**

36-38 West Gun Hill Road consists of one building with 44 residential units, exclusive of one superintendent's unit. Under the proposed project 36-38 West Gun Hill Road Corp. will convey the fee interest in the Exemption Area to 36-38 West Gun Hill Road HDFC. The LLC will remain the beneficial owner and will continue to operate the Exemption Area.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption for the Exemption Area to maintain affordability for current tenants and to extend affordability of the project for an additional 30 years. The Exemption Area receives a J-51 abatement from property taxation pursuant to Section 489 of the Real Property Tax Law and the Article XI benefits will be reduced by an amount equal to any concurrent J-51 benefits.

Currently, there is no existing regulatory agreement for the property. HPD, the Corp., and the HDFC will enter into a regulatory agreement ensuring that 24 units would be rented only to households earning up to 55% of the AMI, 14 units would be rented only to households earning up to 70% of the AMI, and six units would be rented only to households earning up to 80% of the AMI.

**Summary:**

- Borough – Bronx
- Block 3324, Lot 59
- Council District – 11
- Council Member – Cohen
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 44
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – 36-38 West Gun Hill Road HDFC
- Purpose – preservation
- Cost to the City – \$1.9M
- Housing Code Violations – N/A
- AMI targets – 24 units at 55% AMI, 14 units at 70% AMI and 6 units at 80% AMI

**Item 20: Cooper Square Senior Housing (Manhattan)**

One Cooper Square is a 151-unit low-income housing project for the elderly located in Manhattan, including 150 units that are covered by Section 8 payment contracts. Under the proposed project, which also includes a mortgage refinancing and renewal of Section 8 payment contracts at higher contract rents, Cooper Square HDFC proposes to convey its fee interest in the Exemption Area to Cooper Square Senior HDFC, with Cooper Square Senior Housing L.P. becoming the beneficial owner and operating the Exemption Area.

In 2017 Council granted a partial Article XI exemption to Cooper Square HDFC that would expire the earlier of five years or upon refinancing of its mortgage. HPD now requests that the Council approve a new partial 35-year Article XI property tax exemption tied to the term of the new mortgage. While the L.P. will request a 20-year renewal of the Section 8 contracts at market rents, the tenant portion of the rent will not increase as a result of the new contract.

HPD, the L.P., and the HDFC will enter into a regulatory agreement ensuring that 150 units would be rented only to senior households earning up to 50% of the AMI. Section 8 will make up the difference between the

regulated rents and the new contract rents, and this additional income will support both debt service and the provision of social services.

Summary:

- Borough – Manhattan
- Block 460, Lot 1
- Council District – 2
- Council Member – Rivera
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 150
- Type of exemption – Article XI, partial, 35 years
- Population – affordable senior rental housing
- Sponsor – Cooper Square Senior HDFC
- Purpose – preservation
- Cost to the City – \$3.9M
- Housing Code Violations
  - Class A – 3
  - Class B – 1
- AMI targets – 150 units at 50% AMI

**(For text of coupled resolution to L.U. No. 290, please see below; for the text of the remaining coupled resolutions, please see, respectively, the Reports of the Committee on Finance for L.U. Nos. 291 to L.U. Nos. to 309 printed below in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 679

**Resolution approving an exemption from real property taxes for property located at (Block 3324, Lot 59) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 290).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3324, Lot 59) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 36-38 West Gun Hill Road Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner will enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3324, Lot 59 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to two and one-fourth percent (2.25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 36-38 West Gun Hill Road Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.

- m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 291

**Report of the Committee on Finance in favor of a Resolution approving 55 East Mosholu Parkway North, Block 3326, Lot 100; Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 680

**Resolution approving an exemption from real property taxes for property located at (Block 3326, Lot 100) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 291).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018, that the Council take the following action regarding a housing project located at (Block 3326, Lot 100) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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



1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 55 East Mosholu Parkway North, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner will enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3326, Lot 100 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to five and one-half percent (5.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 55 East Mosholu Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 292

**Report of the Committee on Finance in favor of a Resolution approving 1425 Macombs Road, Block 2857, Lot 81; Bronx, Community District No. 4, Council District No. 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 681

**Resolution approving an exemption from real property taxes for property located at (Block 2857, Lot 81) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 292).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2857, Lot 81) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1441 Macombs Realty Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner will enter into the Regulatory Agreement.

- c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2857, Lot 81 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 1441 Macombs Realty Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 293

**Report of the Committee on Finance in favor of a Resolution approving 3240 Henry Hudson Parkway, Bronx.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 682

**Resolution approving an exemption from real property taxes for property located at (Block 5789, 24) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 293).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 7, 2018, that the Council take the following action regarding a housing project located at (Block 5789, 24) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Henry Hudson Nelson Apartments LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 5789, Lot 24 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- f. "Gross Rent" shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. "Gross Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to five percent (5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. "HDFC" shall mean HP Henry Hudson Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. "Owner" shall mean, collectively, the HDFC and the Company.
  - l. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the

noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 294

**Report of the Committee on Finance in favor of a Resolution approving Cooper Square Senior Housing, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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



## Res. No. 683

**Resolution approving an exemption from real property taxes for property located at (Block 460, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 294).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 11, 2018 that the Council take the following action regarding a housing project located at (Block 460, Lot 1) Manhattan:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - c. “Contract Rent Differential Tax” shall mean (a) the sum of (i) \$630,000, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - d. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 460, Lot 1 on the Tax Map of the City of New York.
  - f. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- g. “HDFC” shall mean Cooper Square Senior Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - j. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - k. “Partnership” shall mean Cooper Square Senior Housing L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - l. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on December 11, 2017 (Resolution No. 1764).
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  5. Notwithstanding any provision hereof to the contrary:
    - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or an abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 295

**Report of the Committee on Finance in favor of a Resolution approving Langsam 1, Block 3225, Lot 52; Bronx, Community District No. 7, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res. No. 684

**Resolution approving an exemption from real property taxes for property located at (Block 3225, Lot 52) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 295).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3225, Lot 52) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 135 Realty Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3225, Lot 52 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.

- h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to four and one-half percent (4.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 135 Realty Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 296

**Report of the Committee on Finance in favor of a Resolution approving Langsam 2, Block 4068, Lot 1; Bronx, Community District No. 11, Council District No. 13.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 685

**Resolution approving an exemption from real property taxes for property located at (Block 4068, Lot 1) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 296).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 28, 2018 that the Council take the following action regarding a housing project located at (Block 4068, Lot 1) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 4068, Lot 1 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to seven and one-fourth percent (7.25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - h. “HDFC” shall mean 1500 Hone Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- j. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - k. "Owner" shall mean, collectively, the HDFC and the Partnership.
  - l. "Partnership" shall mean 1500 Realty Associates or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - m. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and



(b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 297

**Report of the Committee on Finance in favor of a Resolution approving Langsam 3, Block 3923, Lot 9; Bronx, Community District No. 9, Council District No. 18.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 686

**Resolution approving an exemption from real property taxes for property located at (Block 3923, Lot 9) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 297).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3923, Lot 9) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3923, Lot 9 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to four percent (4%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - h. “HDFC” shall mean 1565 White Plains Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - k. “Partnership” shall mean 1500 Realty Associates or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

1. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 298

**Report of the Committee on Finance in favor of a Resolution approving Langsam 4, Block 2870, Lot 61; Bronx, Community District No. 5, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 687

**Resolution approving an exemption from real property taxes for property located at (Block 2870, Lot 61) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 298).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2870, Lot 61) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1975 Realty Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2870, Lot 61 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to four and one-half percent (1.25 %) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 1975 Realty Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be

exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 299

**Report of the Committee on Finance in favor of a Resolution approving Langsam 5, Block 3216, Lot 48; Bronx, Community District No. 5, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 688

**Resolution approving an exemption from real property taxes for property located at Block 3216, Lot 48) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 299).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3216, Lot 48) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 2015 University Properties Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3216, Lot 48 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 2015 University Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the



amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 300

**Report of the Committee on Finance in favor of a Resolution approving Langsam 6, Block 3317, Lot 36; Bronx, Community District No. 7, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 689

**Resolution approving an exemption from real property taxes for property located at (Block 3317, Lot 36) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 300).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3317, Lot 36) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 2733 Realty Company LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3317, Lot 36 on the Tax Map of the City of New York.

- e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 2733 Morris Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the

Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 301

**Report of the Committee on Finance in favor of a Resolution approving Langsam 7, Block 2663, Lot 37; Bronx, Community District No. 3, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 690

**Resolution approving an exemption from real property taxes for property located at (Block 2663, Lot 34) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 301).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2663, Lot 34) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1249 Tinton Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2663, Lot 34 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- f. "Gross Rent" shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. "Gross Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. "HDFC" shall mean 1249 Tinton Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. "Owner" shall mean, collectively, the HDFC and the Company.
  - l. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the

noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 302

**Report of the Committee on Finance in favor of a Resolution approving Langsam 8, Block 2843, Lot 24; Bronx, Community District No. 4, Council District No. 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res. No. 691

**Resolution approving an exemption from real property taxes for property located at (Block 2843, Lot 24) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 302).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2843, Lot 24) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1411 Townsend Realty Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2843, Lot 24 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.



- h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
    - i. “HDFC” shall mean 1411 Townsend Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
    - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
    - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
    - l. “Owner” shall mean, collectively, the HDFC and the Company.
    - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- 2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
- 4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 303

**Report of the Committee on Finance in favor of a Resolution approving Langsam 9, Block 2866, Lot 4; Bronx, Community District No. 5, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Res. No. 692

**Resolution approving an exemption from real property taxes for property located at (Block 2866, Lot 4) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 303).**

By Council Member Dromm

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2866, Lot 4) Bronx:

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1630 Realty Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2866, Lot 4 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to

provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- i. “HDFC” shall mean 1630 Macombs Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 304

**Report of the Committee on Finance in favor of a Resolution approving Langsam 10, Block 3794, Lot 34; Bronx, Community District No. 9, Council District No. 18.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 693

**Resolution approving an exemption from real property taxes for property located at (Block 3794, Lot 34) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 304).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3794, Lot 34) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1020 Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3794, Lot 34 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to six percent (6%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 1020 Associates Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- k. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. "Owner" shall mean, collectively, the HDFC and the Company.
  - m. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and

(b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 305

**Report of the Committee on Finance in favor of a Resolution approving Langsam 11, Block 3318, Lot 30; Bronx, Community District No. 7, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 694

**Resolution approving an exemption from real property taxes for property located at (Block 3318, Lot 30) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 305).**

By Council Member Dromm

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3318, Lot 30) Bronx:

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

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



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

**RESOLVED:**

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

2. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean FSL Realty Co. LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3318, Lot 30 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to two percent (2%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean FSL Realty Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.

- m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL,

BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 306

**Report of the Committee on Finance in favor of a Resolution approving Langsam 12, Block 3356, Lot 178; Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 695

**Resolution approving an exemption from real property taxes for property located at (Block 3356, Lot 178) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 306).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3356, Lot 178) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

6. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 3510 Realty Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3356, Lot 178 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 3510 Decatur Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
7. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall

be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

8. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
9. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
10. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 307

**Report of the Committee on Finance in favor of a Resolution approving Langsam 13, Block 3196, Lot 58; Bronx, Community District No. 5, Council District No. 14.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 696

**Resolution approving an exemption from real property taxes for property located at (3196, Lot 58) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 307).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3196, Lot 58) Bronx:

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

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

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

**RESOLVED:**

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

3. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 2265 Davidson Realty LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3196, Lot 58 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to eight and one-fourth percent (8.25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 2265 Davidson Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 308

**Report of the Committee on Finance in favor of a Resolution approving Langsam 14, Block 2380, Lot 48; Bronx, Community District No. 1, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**



**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 697

**Resolution approving an exemption from real property taxes for property located at (Block 2380, Lot 48) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 308).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 2380, Lot 48) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

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

- a. “Company” shall mean Longfellow-Hall LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
- d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2380, Lot 48 on the Tax Map of the City of New York.
- e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing

development fund company or an entity wholly controlled by a housing development fund company.

- f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean Longfellow-Hall Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
12. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  13. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  14. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any

private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
15. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

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

Report for L.U. No. 309

**Report of the Committee on Finance in favor of a Resolution approving Langsam 16, Block 3329, Lot 64; Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 20, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance memo, please see the Report of the Committee on Finance for L.U. No. 290 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 698

**Resolution approving an exemption from real property taxes for property located at (Block 3329, Lot 64) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 309).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2018 that the Council take the following action regarding a housing project located at (Block 3329, Lot 64) the Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

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

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

- a. “Company” shall mean 1925 Realty Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
- d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3329, Lot 64 on the Tax Map of the City of New York.
- e. “Expiration Date” shall mean the earlier to occur of (i) a date which is 30 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to five and one-half percent (5.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - i. “HDFC” shall mean 1925 Realty Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
17. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
18. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
19. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the

noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
20. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, December 20, 2018.

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

### **Report of the Committee on Governmental Operations**

Report for Int. No. 748-A

**Report of the Committee on Governmental Operations 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 certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1441), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On December 20, 2018, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a second hearing and vote on Int. No. 748-A, sponsored by Council Member Fernando Cabrera, in relation to certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings; and Int. No. 1288-A, sponsored by Council Member Benjamin Kallos, in relation to the campaign finance laws to be in effect for covered elections held prior to the 2021 primary. The

Committee first heard a prior version of Int. 748-A (Cabrera) on April 26, 2018 and a prior version of Int. 1288-A (Kallós) on December 12, 2018. The bills were approved by the Committee.

## **BACKGROUND**

### *Office of Administrative Trials and Hearings*

The Office of Administrative Trials and Hearings (‘OATH’) was originally established by an executive order in 1979, within the Department of Personnel to conduct administrative trials and hearings at the direction of the Mayor or upon the written request and delegation of the head of a City agency, typically for civil service disciplinary matters.<sup>1</sup> In 1988, as part of the Charter revision ballot question that enacted the City Administrative Procedure Act, OATH became a full agency with greater responsibility to act as a tribunal separate from the referring agencies.<sup>2</sup> In subsequent years, the number and variety of cases referred to OATH grew significantly. Through a series of executive orders, court rulings, and local laws, OATH’s jurisdiction was expanded, with entire agency tribunals being transferred to the agency.<sup>3</sup> With the exception of the Parking Violations Bureau, all significant agency tribunals are now adjudicated by OATH.

OATH, as currently constituted, is directed by a Chief Administrative Law Judge, appointed by the Mayor, who in turn is empowered to appoint administrative law judges, for a term of five years each, removable only for cause after notice and opportunity for a hearing.<sup>4</sup> Cases referred to OATH are adjudicated in either Trials Division, which handles disciplinary hearings, city contracts disputes and vehicle forfeiture cases, or the Hearings Division, which handles enforcement-related summons cases, including Taxi and Limousine Commission summonses.<sup>5</sup> Under the current Chief Administrative Law Judge, Fidel Del Valle, the Hearings Division has been streamlined to manage cases under an integrated system with a unified hearing process wherein hearings officers are trained to hear summonses from any covered agency.

OATH has also tried to make hearings more accessible by offering remote hearings, by phone or online, and by offering mediation services.<sup>6</sup> The current Chief Administrative Law Judge has said that “OATH’s function is to provide due process in cases that originate from the City’s numerous enforcement agencies in a forum that is in fact and in appearance truly neutral and unbiased.”<sup>7</sup>

### *Taxi and Limousine Commission*

Established in 1971, New York City’s Taxi and Limousine Commission (‘TLC’) was created to license and regulate the City’s yellow medallion taxicabs, for-hire vehicles (liveries, black cars and luxury limousines), commuter vans and ‘paratransit vehicles.’ The TLC licenses over 50,000 vehicles and another 100,000 drivers throughout the city, and conducts emissions inspections on yellow medallion taxis three times a year, and twice a year on for-hire vehicles. In addition to an unpaid board of nine members, the TLC has 600 employees across multiple divisions and bureaus. The TLC’s Uniform Services Bureau is the enforcement arm of the commission, tasked with ensuring its licensees abide by related state and local laws and TLC rules. Enforced violations range from standard traffic laws such as adherence to seatbelt and speeding laws, and

<sup>1</sup> Executive Order 32 of 1979, available at: [http://www.nyc.gov/html/records/pdf/executive\\_orders/1979EO032.PDF](http://www.nyc.gov/html/records/pdf/executive_orders/1979EO032.PDF)

<sup>2</sup> Report of the New York City Charter Revision Commission, 1986-1988, p. 33, available at: [http://www.nyc.gov/html/charter/downloads/pdf/1986-1988\\_final\\_report.pdf](http://www.nyc.gov/html/charter/downloads/pdf/1986-1988_final_report.pdf)

<sup>3</sup> See: Executive Order 148 of 2011, Executive Order 18 of 2016, *Krimstock v. Kelly*, 464 F.3d 246, 249 (2d Cir. 2006), the Community Justice Reform Act of 2016, and Local Law 35 of 2008

<sup>4</sup> NYC Charter §1048 and §1049(a)

<sup>5</sup> OATH Annual Report, 2015, p. 7-9, available at: <http://www.nyc.gov/html/oath/downloads/pdf/news/OATHAnnualReport2015.pdf> and NYC Preliminary Mayor’s Management Report, 2017, p. 104-105, available at: <http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2017/oath.pdf>

<sup>6</sup> OATH Annual Report, 2015, p. 13-14, 25-26, available at: <http://www.nyc.gov/html/oath/downloads/pdf/news/OATHAnnualReport2015.pdf>

<sup>7</sup> OATH Annual Report, 2015, p. 4, available at: <http://www.nyc.gov/html/oath/downloads/pdf/news/OATHAnnualReport2015.pdf>

specific TLC rules like displaying a valid license and accepting street hails without the proper license (termed an ‘illegal pick-up’). Since 2011, OATH has adjudicated TLC violation summonses.<sup>8</sup> In order to streamline the administration of cases and ensure that all defendants have access to counsel and a fair hearing, OATH has tried to implement alternatives to in-person hearings. These alternatives include the opportunity to “fight a summons online,” by mail, by phone and video conference call.

### *Campaign Finance Board*

Since 1988, New York City has had a comprehensive campaign financing system for candidates running for local office.<sup>9</sup> The system is run by the Campaign Finance Board (“CFB”), an independent, nonpartisan agency also created in 1988.<sup>10</sup> Commonly referred to as the “Campaign Finance Act” (“the CFA”), the legislation that effectuates this system, as amended from time to time, provides candidates who choose to participate with public funds to help finance their campaigns. Specifically, eligible portions of matchable contributions are matched with a set multiple of public dollars.<sup>11</sup> Candidates choosing to participate in the program must abide by expenditure limits, and all candidates for local office must abide by contribution limits.<sup>12</sup> The intent of the CFA is “to reduce improper influence of local officers by large campaign contributions and to enhance public confidence in local government.”<sup>13</sup> The CFA also has the benefit of, as the CFB puts it, “encourag[ing] participants to seek small contributions, and reach out to a greater number of their prospective constituents.”<sup>14</sup>

### *The Mayoral Charter Revision Commission of 2018*

Mayor De Blasio established a charter commission earlier this year which made the following campaign finance recommendations in order to reduce the influence of big dollars in New York City elections:

- Reduce contribution limits<sup>15</sup>
- Increase the public match to 8:1<sup>16</sup>
- Raise the cap on public funds disbursed<sup>17</sup>
- Increase dollars attributed to qualifying thresholds<sup>18</sup>
- Disburse public funds earlier<sup>19</sup>

On the November 6, 2018, the New York City General Election ballot included a question asking voters to vote on the proposed campaign finance reforms described above. The ballot proposal passed with 80% of total recorded votes.<sup>20</sup> Under that ballot question, the proposed campaign finance reforms will be implemented for campaigns who choose to have the reforms applied for the 2021 election cycle. The reforms will apply broadly

<sup>8</sup> OATH Taxi and Limousine Commission Rules, (2010), available at <http://rules.cityofnewyork.us/content/oath-taxi-and-limousine-tribunal-rules-0> last accessed February 9, 2018.

<sup>9</sup> This system is laid out in Chapter 7 of Title 3 of the Administrative Code of the City of New York.

<sup>10</sup> New York City Charter §1052.

<sup>11</sup> New York City Administrative Code §3-705(2)(a).

<sup>12</sup> See generally New York City Administrative Code §3-706 and §3-703, respectively.

<sup>13</sup> New York City Local Law 8 of 1988, §1.

<sup>14</sup> “Why Should I Join?” New York City Campaign Finance Board website, available at <http://www.nycfb.info/candidates/candidates/whyJoin.aspx>.

<sup>15</sup> NYC Mayoral Charter Revision Commission. (2018). *Abstracts: Questions #1: Campaign Finance*. Accessed at: [https://www1.nyc.gov/assets/charter/downloads/pdf/2018\\_charter\\_revision\\_commission\\_abstracts\\_1\\_pdf.PDF](https://www1.nyc.gov/assets/charter/downloads/pdf/2018_charter_revision_commission_abstracts_1_pdf.PDF)

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> New York City Board of Elections. (2018). *General Election Certified Results*. Accessed at: [http://vote.nyc.ny.us/downloads/pdf/election\\_results/2018/20181106General%20Election/00050100000Citywide%20Campaign%20Finance%20Citywide%20Recap.pdf](http://vote.nyc.ny.us/downloads/pdf/election_results/2018/20181106General%20Election/00050100000Citywide%20Campaign%20Finance%20Citywide%20Recap.pdf)



to all campaigns in the following election cycle, beginning in 2022.<sup>21</sup>

### **Analysis of Legislation**

#### **Int. No. 748-A**

Int. No. 748-A (Cabrera) would establish certain hearing procedures for adjudications of TLC violations by OATH. The bill first defines relevant terms. Next, the bill requires TLC, as petitioner, to appear at violation hearings either in person, through an authorized representative, or through a remote appearance method, and the hearing would not be permitted to proceed without such an appearance. The bill also would permit respondents to appear by remote method, including the use of internet video, provided that such method permits the respondents identity to be verified.

The bill next provides administrative law judges and hearing officers with discretion to reduce violation penalties “in the interest of justice,” by considering a series of enumerated factors, such as the seriousness of the violation, the extent of the harm, the weight of evidence, the character of the respondent, the impact on the community of a reduction, and other similar factors. This reduction would be subject to TLC review. Since introduction, this provision was amended to remove certain violations, including those for refusing to pick up passengers or for trying to ascertain a passenger’s destination in advance, from those that can be reduced.

The bill also requires the dismissal of substantively identical violations when the respondent has proof of such.

The bill further establishes requirements for timeliness of hearings. Respondents would have 90 minutes in which to appear and be considered timely, from which the petitioner would have 30 minutes in which to appear. Once both the respondent and petitioner are present, OATH would have three hours in which to hold the hearing, or else dismiss the violation.

The bill would take effect 180 days after it becomes law.

#### **Int. No. 1288-A**

Int. No. 1288-A (Kallos) would amend the New York city charter to apply changes instituted under Ballot Proposal Question #1, from the 2018 General Election, to all covered elections - special elections, primary, general and runoff elections - prior to the primary election in 2021. Participating candidates would thus have an option on whether to follow the system in effect prior to or after January 12, 2019, while non-participating candidates would follow the system in effect prior to January 12, 2019.

Participating candidates in covered elections prior to the primary in 2021 would be required to select between Option A (the contribution limit, matching formula, qualifying threshold, public funds cap and distribution schedule established by the ballot question) and Option B (the contribution limit, matching formula, qualifying threshold, public funds cap and distribution schedule in effect prior to January 12, 2019).

Any participating candidate for a special election to be held in 2019 that files or filed a certification prior to January 12, 2019 without indicating a choice of either Option A or Option B would be required to file an amended certification with such information, no later than January 15, 2019.

For any special election in 2019, a candidate who elects Option A would be required to refund any portion of a contribution received prior to January 12, 2019 in excess of the contribution limitation applicable under such option. Additionally, any matchable contributions received for such a special election would be subject to the matching formula under the Option selected, regardless of the date such contribution was received.

Next, to account for unique properties of special elections, most importantly its compressed timeframe and reduced contribution limits, this bill would halve the qualifying threshold dollar amount that citywide candidates would need to raise in order to participate in the campaign finance program for a special election.

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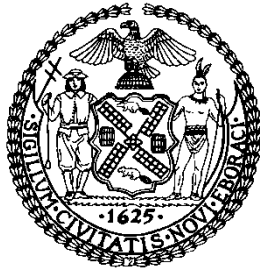
<sup>21</sup> NYC Mayoral Charter Revision Commission. (2018). *Abstracts: Questions #1: Campaign Finance*. Accessed at: [https://www1.nyc.gov/assets/charter/downloads/pdf/2018\\_charter\\_revision\\_commission\\_abstracts\\_1\\_pdf.PDF](https://www1.nyc.gov/assets/charter/downloads/pdf/2018_charter_revision_commission_abstracts_1_pdf.PDF)

Finally, the threshold to qualify to participate in a debate for a special election would be lowered. Under this bill candidates would be required to have raised and spent an amount equal to or more than one and one-quarter percent of the expenditure limitation for the office they are seeking.

Since introduction, the bill was amended to clarify the term ‘eligible contribution,’ and as well as to make technical edits.

This local law would take effect immediately, provided that if this local law becomes law after January 2, 2019, it is retroactive to and deemed to have been in effect as of January 2, 2019.

**(The following is the text of the Fiscal Impact Statement for Int. No. 748-A:)**



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

**PROPOSED INTRO. NO. 748-A**

**COMMITTEE: Governmental Operations**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings. **SPONSORS:** Council Members Cabrera, Diaz, Yeger and Kallos

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 748-A would impose certain procedural requirements on the Office of Administrative Trials and Hearings (OATH) in relation to hearings on violations of New York City Taxi and Limousine Commission (TLC) laws or regulations. This legislation would require both petitioner and respondent to appear in person, through a representative or remotely at a hearing; explicitly grant OATH administrative law judges and hearing officers the discretion to reduce penalties in the interest of justice, subject to a review by TLC; require such judges and hearing officers to dismiss a duplicate notice of violation, and require that a hearing begin within three hours. The purpose of this legislation is to alleviate the administrative and financial burdens that livery drivers subject to OATH hearings face.

**EFFECTIVE DATE:** This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine commission would take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. It is estimated that OATH and TLC would be able to use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 748 on April 11, 2018 and referred to the Committee on Governmental Operations. A hearing was held by the Committee on Governmental Operations on April 26, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 748-A, will be considered by the Committee on Governmental Operations on December 18, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 748-A will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 17, 2018.

**(For text of Int. No. 1288-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. No. 1288-A printed in these Minutes; for text of Int. No. 748-A, please see below:)**

*Accordingly, this Committee recommends the adoption of Int. No. 748-A and 1288-A.*

**(The following is the text of Int. No. 748-A:)**

Int. No. 748-A

By Council Members Cabrera, Diaz, Yeger, Kallos and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

**CHAPTER 10**  
**SPECIAL HEARING PROCEDURES APPLICABLE TO VIOLATIONS OF TAXI AND LIMOUSINE**  
**COMMISSION LAWS OR REGULATIONS**

*§ 19-1001 Definitions. For purposes of this chapter, the following terms have the following meanings:*  
*Administrative law judge. The term “administrative law judge” means a person appointed by the chief administrative law judge of the office of administrative trials and hearings pursuant to section 1049 of the charter.*

*Appeals unit.* The term “appeals unit” means the unit authorized under section 6-19 of title 48 of the rules of the city of New York to review administrative law judge and hearing officer decisions.

*Commission.* The term “commission” means the New York city taxi and limousine commission.

*Hearing officer.* The term “hearing officer” means a person designated by the chief administrative law judge of the office of administrative trials and hearings, or such judge’s designee, to carry out the adjudicatory powers, duties and responsibilities of the tribunal.

*Petitioner.* The term “petitioner” means the city agency authorized to issue notices of violation returnable to the tribunal.

*Respondent.* The term “respondent” means the person against whom the charges alleged in a summons have been filed.

*Summons.* The term “summons” means the document, including a notice of violation, that specifies the charges forming the basis of an adjudicatory proceeding before the tribunal.

*Tribunal.* The term “tribunal” means the office of administrative trials and hearings hearings division, which includes the administrative tribunal referenced in section 19-506.1.

§ 19-1002 *Appearances at commission-related hearings.* a. At a hearing before the tribunal on a violation of a law or regulation enforced by the commission, the petitioner shall appear in one of the following ways:

1. In person;
2. By sending an authorized representative who is an attorney admitted to practice law in New York state or another authorized representative as the office of administrative trials and hearings permits by rule; or
3. When the tribunal offers the opportunity to do so, by remote methods as the office of administrative trials and hearings permits by rule.

b. Such hearing shall not proceed without the appearance of the petitioner.

c. The tribunal shall dismiss such violation if a petitioner fails to appear within thirty minutes of the timely appearance by the respondent or to make a timely request to reschedule pursuant to title 48 of the rules of the city of New York. The tribunal shall carry out such dismissal in accordance with its rules of practice, pursuant to title 48 of the rules of the city of New York.

d. At a hearing before the tribunal on a violation of a law or regulation enforced by the commission, the respondent may appear by remote methods, including the use of internet video, provided that any such method provides a visual image of the respondent sufficient to permit the respondent’s identity to be verified. The office of administrative trials and hearings and the commission shall establish a process for the submission of evidence by respondents who choose to appear by a remote method.

§ 19-1003 *Administrative law judge and hearing officer discretion to reduce commission penalties.* a. If an administrative law judge or hearing officer finds a violation, except for a violation under section 19-507, such administrative law judge or hearing officer may, in the interest of justice, and upon the petition of the respondent, reduce the penalty for such violation set by the commission after determining that such reduction is appropriate because one or more compelling considerations or circumstances clearly demonstrates that imposing such penalty would constitute or result in injustice. In determining whether such compelling consideration or circumstance exists, the administrative law judge or hearing officer shall, to the extent applicable, consider, individually and collectively, the following factors:

1. The seriousness and circumstances of the violation;
2. The extent of harm caused by the violation;
3. The evidence supporting or refuting the violation charged, whether admissible or inadmissible at a hearing;
4. The history, character and condition of the respondent;
5. The effect of imposing upon the respondent the penalty set by the commission;
6. The impact of a penalty reduction on the safety or welfare of the community;
7. The impact of a penalty reduction on public confidence in the commission, the office of administrative trials and hearings and the implementation of laws by the city;
8. The position of the petitioner regarding the proposed fine reduction with reference to the specific circumstances of the respondent and the violation charged; and
9. Any other relevant fact indicating whether a decision to impose the penalty set by the commission on the respondent would serve a useful purpose.

*b. Upon determining that a penalty for a violation set by the commission should be reduced, the administrative law judge or hearing officer shall set forth the amount and the reasons for such reduction in the record. Such reasons and determination shall be transmitted to the chairperson of the commission.*

*c. Within 20 business days of receipt of such reasons and determination, pursuant to subdivision b, the commission, or the chairperson of the commission acting pursuant to rules of the commission, may, in the commission or chairperson's discretion, remove such reduction if the commission or chairperson determines such a reduction would not be in the interests of justice, pursuant to the factors in subdivision a, or lower such reduction.*

*§ 19-1004 Administrative law judge and hearing officer dismissal of a duplicate notice of violation. a. An administrative law judge or hearing officer shall dismiss a notice of violation in relation to a hearing before the tribunal on a violation of a law or regulation enforced by the commission upon determining that such notice of violation is substantively identical to a violation received for the same act under commission rules or provisions of law other than commission rules, provided that such substantively identical violation has not already been dismissed by the relevant adjudicatory body.*

*b. In order for such administrative law judge or hearing officer to determine whether to dismiss such notice of violation, the respondent shall provide proof to such administrative law judge or hearing officer at such hearing in the form of summonses pertaining to the duplicate or substantively identical violations.*

*§ 19-1005 Commission-related hearing deadline. A respondent, or their representative, shall be considered to have made a timely appearance for a hearing provided they appear, whether in person or pursuant to subdivision (d) of section 19-1002, within 90 minutes of the scheduled time set forth in the summons. If a hearing does not begin within three hours of the timely appearance of both the respondent and the petitioner then the tribunal shall dismiss the notice of violation without prejudice.*

§ 2. This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, December 20, 2018.

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

Report for Int. No. 1288-A

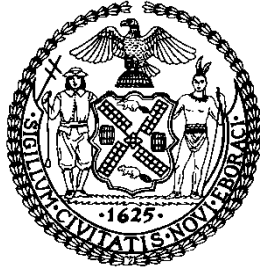
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the campaign finance laws to be in effect for covered elections held prior to the 2021 primary.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 11, 2018 (Minutes, page 4836), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 748-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1288-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1288-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to the campaign finance laws to be in effect for covered elections held prior to the 2021 primary.

**SPONSORS:** Council Members Kallos, Powers, Constantinides, Brannan, Lander and Levin

**SUMMARY OF LEGISLATION:** Proposed Intro. 1288-A would apply the campaign finance system that Ballot Question #1, as approved by voters in the 2018 general election, established for the 2021 elections to covered elections prior to the 2021 primary election, including special elections held in 2019.

**EFFECTIVE DATE:** This local law would take effect immediately, provided that if this local law becomes law after January 2, 2019, it would retroactive to and deemed to have been in effect as of January 2, 2019.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$1,780,000	\$2,360,000	\$2,360,000
<b>Net</b>	\$1,780,000	\$2,360,000	\$2,360,000

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a fiscal impact of \$1,780,000 in Fiscal 2019 and \$2,360,000 in Fiscal 2020 from the impact of this legislation. This funding would cover the cost of additional public matching funds for candidates participating in the early 2019 Public Advocate special election, as well as candidates participating in the primary and general Public Advocate elections in September and November of 2019. There are no scheduled elections in Fiscal 2021 and the outyears for which this legislation would have a fiscal impact. The campaign finance system that Ballot Question #1 established would go into effect beginning in the 2021 primary elections, after which this local law would no longer have any fiscal impact on expenditures.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Campaign Finance Board

**ESTIMATE PREPARED BY:** Zachary Harris, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1288 on December 11, 2018 and referred to the Committee on Governmental Operations. A hearing was held by the Committee on Governmental Operations on December 12, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1288-A, will be considered by the Committee on Governmental Operations on December 18, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 1288-A will be submitted to the full Council for a vote on December 20, 2018.

**DATE PREPARED:** December 17, 2018

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

**(The following is text of Int. No. 1288-A:)**

Int. No. 1288-A

By Council Members Kallos, Powers, Constantinides, Brannan, Lander, Levin, Espinal, Holden, Cabrera, Lancman, Richards, Deutsch, Reynoso, Cornegy, Ampry-Samuel and Salamanca.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the campaign finance laws to be in effect for covered elections held prior to the 2021 primary**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 18 of subdivision a of section 1052 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election, is amended to read as follows:

18. Notwithstanding any other provision of law, the threshold for eligibility for public funding for participating candidates in a primary or general election[, or special election to fill a vacancy,] shall be in the case of: (i) mayor, not less than \$250,000 in matchable contributions comprised of sums up to \$250 per contributor including at least 1,000 matchable contributions of \$10 or more; and (ii) public advocate and comptroller, not less than \$125,000 in matchable contributions comprised of sums of up to \$250 per contributor including at least 500 matchable contributions of \$10 or more; *provided that the threshold dollar amount of summed matchable contributions shall be halved for any special election to fill a vacancy for mayor, public advocate or comptroller.* The thresholds for eligibility for public funding for participating candidates for the offices of mayor, public advocate or comptroller described in this paragraph shall replace the thresholds for eligibility for public funding for participating candidates for the offices of mayor, public advocate or comptroller set forth in subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 of section 3-703 of the administrative code and shall be applied to the same extent and in the same manner and subject to the same restrictions as described in this section and chapter 7 of title 3 of the administrative code. Any reference in this charter, the administrative code or any other local law to the thresholds for eligibility for public funding for participating candidates for the offices of mayor, public advocate or comptroller set forth in subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 of section 3-703 of the administrative code shall be deemed a reference to this subdivision.

§ 2. Subparagraphs (a), (b), (c), (d), and (e) of paragraph (1) of subdivision 1 of section 1152 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election, are amended to read as follows:

(a) Except as otherwise provided in this paragraph, the amendments to the charter adding paragraphs 16 through 22 of subdivision a of section 1052, approved by the electors on November 6, 2018, shall take effect on January 12, 2019, and thereafter shall control as provided with respect to all the powers, functions and

duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

(b) Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of such amendments prior to January 12, 2019, *including the implementation of such amendments for any special election to fill a vacancy held in the year 2019.*

(c) [With respect to candidates seeking office in any covered election held prior to the primary election held in the year 2021, such amendments shall not apply and the law as in effect prior to January 12, 2019 shall govern.] *With respect to candidates seeking office in any special election to fill a vacancy held in the year 2019, such amendments shall apply prior to January 12, 2019, as provided in this paragraph.*

(d) (i) Candidates seeking office *in covered elections held prior to the covered primary election to be held in the year 2021 and* covered primary, run-off primary, and general elections held in the year 2021 who intend to participate in the voluntary system of campaign finance reform described in this section and chapter 7 of title 3 of the administrative code shall file with the campaign finance board a nonbinding written statement declaring whether they intend to select the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in clause (iii) of this subparagraph. Such statement shall be made on the date of the filing of the first disclosure report required pursuant to section 3-703 of the administrative code, provided that candidates *seeking office in a covered primary, run-off primary, or general election held in the year 2021* who intend to participate in such system who filed such first disclosure report prior to January 12, 2019 shall file such non-binding written statement with the campaign finance board no later than July 15, 2019, and provided further that such non-binding written statement shall not be required if a candidate has already complied with clause (ii) of this subparagraph as of the date of the filing of the first disclosure report. Failure to file the statement required pursuant to this clause (i) shall not be deemed to preclude a candidate from choosing to participate in the voluntary system of campaign finance reform described in this section and chapter 7 of title 3 of the administrative code pursuant to paragraph (c) of subdivision 1 of section 3-703.

(ii) Participating candidates seeking office *in covered elections held prior to the covered primary election to be held in the year 2021 and* covered primary, run-off primary, and general elections held in the year 2021, shall state in the written certification filed pursuant to paragraph (c) of subdivision 1 of section 3-703 of the administrative code, whether they agree to the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in clause (iii) of this subparagraph, provided that participating candidates *seeking office in a covered primary, run-off primary, or general election held in the year 2021* who filed such certification prior to January 12, 2019 shall file an amended certification with such information with the campaign finance board no later than January 15, 2021, *and further provided that participating candidates seeking office in a covered special election to fill a vacancy held in the year 2019 who filed such certification prior to January 12, 2019 and did not indicate a choice of Option A or Option B in such certification shall file an amended certification with such information with the campaign finance board no later than January 15, 2019.*

(iii) Option A. The contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, as in effect on and after January 12, 2019.

Option B. The contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, as in effect prior to January 12, 2019.

(e) For participating candidates and their principal committees seeking office *in covered elections held prior to the covered primary election to be held in the year 2021 and* covered primary, run-off primary, and general elections held in 2021, the campaign finance board shall administer and enforce the contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule in accordance with whether the participating candidate has chosen Option A or Option B pursuant to subparagraph (d) of this paragraph, *provided that: (i) for any special election to fill a vacancy held in the year 2019, a candidate who elects Option A shall be required to refund the portion of any contribution received prior to January 12, 2019 that exceeds one half the*



*limitations set forth in subparagraph b of paragraph (17) of subdivision (a) of section 1052 of the New York city charter; and (ii) for any special election to fill a vacancy held in the year 2019, matchable contributions received for such special election to fill a vacancy, regardless of date received, shall be subject to the matching formula in effect on or after January 12, 2019 if a candidate elects Option A and to the matching formula in effect prior to such date if such candidate elects Option B.*

§ 3. Subparagraph (h) of paragraph (1) of subdivision 1 of section 1152 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election, is amended to read as follows:

(h) The campaign finance board shall promulgate rules necessary to implement the provisions of this paragraph, which shall include provisions addressing contributions made prior to January 12, 2019, provided that: (i) *for any covered election other than a special election to fill a vacancy held in the year 2019*, candidates who received [eligible] contributions prior to January 12, 2019 shall not be required to refund such [eligible] contributions or any portion thereof solely by reason of electing Option A as set forth in subparagraph (d) of this paragraph; and (ii) *for any covered election other than a special election to fill a vacancy held in the year 2019*, [eligible] *matchable* contributions received prior to January 12, 2019 shall be subject to the matching formula in effect prior to such date, regardless of whether the participating candidate [chooses] *chooses* Option A or Option B.

§ 4. Subparagraph (i) of paragraph (b) of subdivision 5 of section 3-709.5 of the administrative code of the city of New York is amended to read as follows:

Except as otherwise provided in subparagraph (ii) below, each debate for a primary, general or special election shall include only those participating candidates or limited participating candidates the sponsor of each such debate has determined meet the non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board; provided, however, that the criteria for the first debate for a primary[,] or general[, or special] election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than two and one half percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks nomination for election or election; *provided, further, that the criteria for the first debate for a special election shall include financial criteria requiring that a participating candidate or limited participating candidate shall be eligible to participate in such debate if he or she has, by the last filing date prior to such debate, (I) raised, and (II) spent, an amount equal to or more than one and one quarter percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks election; and* provided, further, that the second debate for a primary, general, or special election shall include only those participating candidates or limited participating candidates who the sponsors have also determined are leading contenders on the basis of additional non-partisan, objective, and non-discriminatory criteria set forth in any agreement between the sponsor and the board. For the purpose of determining whether a participating candidate or limited participating candidate has met the financial criteria to be eligible to participate in any debate, only contributions raised and spent in compliance with the act shall be used to determine [whether] *the amount that* the candidate has raised and spent [two point five percent] *as a percentage* of the expenditure limit provided in subdivision one of section 3-706; further, money “raised” and “spent” does not include outstanding liabilities or loans. Nothing in this provision is intended to limit the debates to the two major political parties.

§ 5. This local law takes effect immediately, provided that if this local law becomes law after January 2, 2019, it is retroactive to and deemed to have been in effect as of January 2, 2019.

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS; Committee on Governmental Operations, December 20, 2018.

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

## Reports of the Committee on Land Use

Report for L.U. No. 259

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180349 ZRY (Citywide M1 Hotel Text Amendment) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).**

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4238), respectfully

### REPORTS:

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 259 & Res. No. 704 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 269

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180373 ZRM (Special Garment Center Text Amendment) submitted by the New York City Department of City Planning and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article XII, Chapter 1 (Special Garment Center District) and related sections, Borough of Manhattan, Community Districts 4 and 5, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4421), respectfully

### REPORTS:

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 259 & Res. No. 704 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 270

**Report of the Committee on Land Use in favor of approving Application No. C 180347 ZMK (Franklin Avenue Rezoning) submitted by Cornell Realty Management LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d: eliminating from within an existing R6A District a C1-3 District, changing from an R6A District to an R8X District, changing from an R8A District to an R8X District, and establishing within the proposed R8X District a C2-4 District, to facilitate the development of two new 16-story mixed-use and residential buildings located at 40 Crown Street (Block 1190, Lots 29, 45, and 50) and 931 Carroll Street (Block 1188, Lot 58), Borough of Brooklyn, Community District 9, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4421) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-9 - TWO APPLICATIONS RELATED TO 1451 FRANKLIN AVENUE  
“SEACREST” REZONING**

**C 180347 ZMK (L.U. No. 270)**

Application submitted by Cornell Realty Management LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. eliminating from within an existing R6A District a C1-3 District bounded by a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue;
2. changing from an R6A District to an R8X District property bounded by:
  - a. a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 300 feet westerly of Franklin Avenue; and
  - b. Crown Street, Franklin Avenue, Montgomery Street, and a line 300 feet westerly of Franklin Avenue;
3. changing from an R8A District to an R8X District property bounded by Carroll Street, Franklin Avenue, Crown Street, and a line 300 feet westerly of Franklin Avenue; and

4. establishing within the proposed R8X District a C2-4 District bounded by:
  - a. a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue; and
  - b. Crown Street, Franklin Avenue, Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated June 11, 2018, and subject to the conditions of CEQR Declaration E-405.

#### **N 180348 ZRK (L.U. No. 271)**

Application submitted by Cornell Realty Management LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

#### **INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change the existing R6A, R6A/C1-3 and R8A districts to an R8X and R8X/C2-4 district and to establish a Mandatory Inclusionary Housing (MIH) area (Option 1 Proposed) requiring permanent affordability for a portion of the units for developments within the rezoning area to facilitate the development of two new 16-story mixed-use buildings containing approximately 518 residential units, including approximately 140 permanently affordable units, and ground floor retail, on two sites located at 40 Crown Street and 931 Carroll Street in the Crown Heights neighborhood of Brooklyn, Community District 9.

#### **PUBLIC HEARING**

**DATE:** November 15, 2018

**Witnesses in Favor:** Eight

**Witnesses Against:** Three

**Undecided:** Two

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 13, 2018

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

#### **In Favor:**

Moya, Constantinides, Levin, Richards, Rivera, Torres, Grodenchik.

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

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

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

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

Res. No. 699

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180347 ZMK, a Zoning Map amendment (L.U. No. 270).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by the submitted by Cornell Realty Management, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16d, eliminating from within an existing R6A District a C1-3 District, changing from an R6A District to an R8X District, changing from an R8A District to an R8X District, and establishing within the proposed R8X District a C2-4 District, which in conjunction with the related actions would facilitate the development of two new 16-story mixed-use buildings containing approximately 518 residential units, including approximately 140 permanently affordable units, and ground floor retail, on two sites located at 40 Crown Street and 931 Carroll Street in the Crown Heights neighborhood of Brooklyn, Community District 9 (ULURP No. C 180347 ZMK) (the "Application");

**WHEREAS**, the Application is related to application N 180348 ZRK (L.U. No. 271), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued June 11, 2018, which supersedes the Negative Declaration issued January 30,

2017, and Revised Environmental Assessment Statement issued June 8, 2018 (CEQR No. 17DCP067K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (the “E” Designation (E-405));

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-405) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180347 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d:

1. eliminating from within an existing R6A District a C1-3 District bounded by a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue;
2. changing from an R6A District to an R8X District property bounded by:
  - a. a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 300 feet westerly of Franklin Avenue; and
  - b. Crown Street, Franklin Avenue, Montgomery Street, and a line 300 feet westerly of Franklin Avenue;
3. changing from an R8A District to an R8X District property bounded by Carroll Street, Franklin Avenue, Crown Street, and a line 300 feet westerly of Franklin Avenue; and
4. establishing within the proposed R8X District a C2-4 District bounded by:
  - a. a line midway between President Street and Carroll Street, Franklin Avenue, Carroll Street, and a line 100 feet westerly of Franklin Avenue; and
  - b. Crown Street, Franklin Avenue, Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated June 11, 2018, and subject to the conditions of CEQR Declaration E-405, Community District 9, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

## Report for L.U. 271

**Report of the Committee on Land Use in favor of approving Application No. N 180348 ZRK (Franklin Avenue Rezoning) submitted by Cornell Realty Management LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Brooklyn, Community District 9, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4421) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 270 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 700

**Resolution approving the decision of the City Planning Commission on Application No. N 180348 ZRK (L.U. No. 271), for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Community District 9, Borough of Brooklyn.**

\  
By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by Cornell Realty Management LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on Block 1188, a portion of Lot 35, a portion of Lot 44, and Lots 53, 54, 55, 56, and 58 and on Block 1190, a portion of Lot 26, and Lots 28, 29, 45, 46, 48, and 50 on the west side of Franklin Avenue, to facilitate the development of two new 16-story mixed-use buildings containing approximately 518 residential units, including approximately 140 permanently affordable units, and ground floor retail, on two sites located at 40 Crown Street and 931 Carroll Street in the Crown Heights neighborhood of Brooklyn, Community District 9, (Application No. N 180348 ZRK), (the "Application");

**WHEREAS**, the Application is related to application C 180347 ZMK (L.U. No. 270), a zoning map amendment to change existing R6A, R6A/C1-2 and R8A districts to R8X and R8X/C2-4 districts;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued June 11, 2018 which supersedes the Negative Declaration issued January 30, 2017, and the Revised Environmental Assessment Statement issued June 8, 2018 (CEQR No. 17DCP067K), which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (the “E” Designation (E-405));

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-405) and Revised Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180348 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

\* \* \*

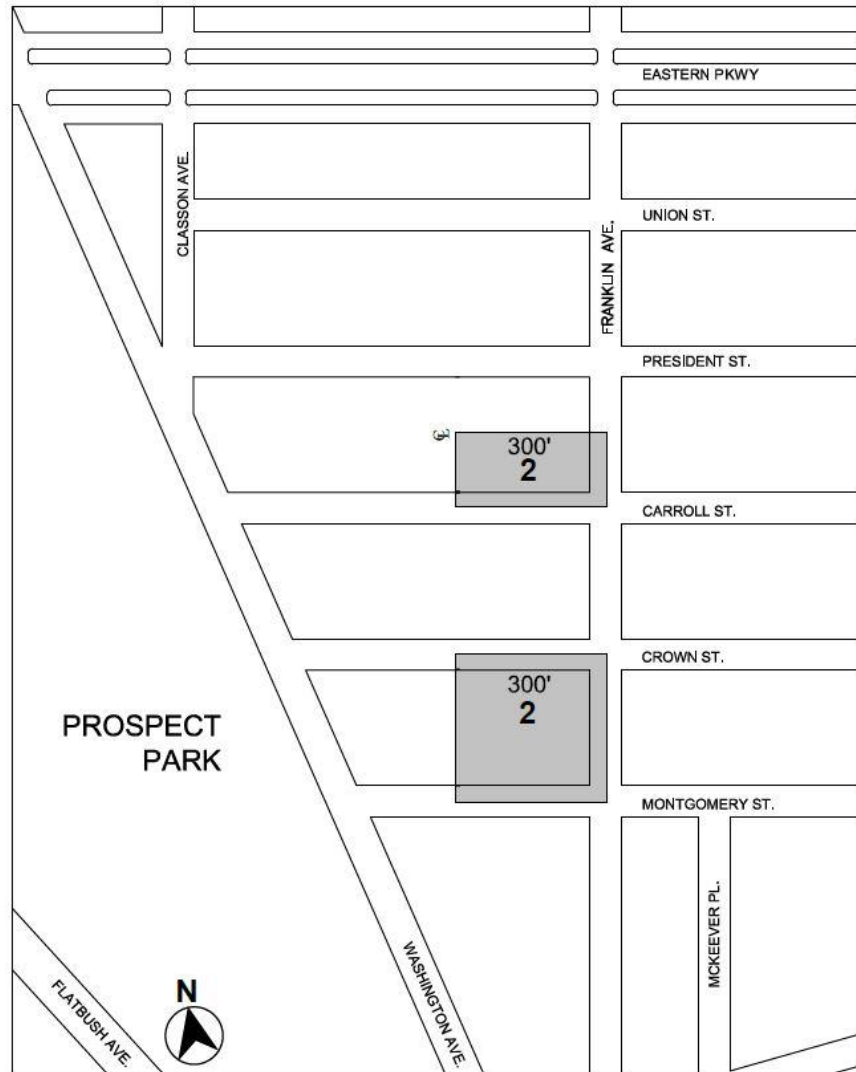
**Brooklyn Community District 9**

\* \* \*

Map 2 – [date of adoption]



[PROPOSED MAP]



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

Area 2 [date of adoption] – MIH Program Option 1

## Portion of Community District 9, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

## Report for L.U. No. 272

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180485 HAK (Marcus Garvey Village) submitted by The Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Livonia Avenue/Chester Street (Block 3588, Lots 32, 33, 34, 35, and 36) as an Urban Development Action Area, Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

## Report for L.U. No. 273

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180486 PCK (Marcus Garvey Village) submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1) for use as a community garden, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 273 & Res. No. 707 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

## Report for L.U. No. 274

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180487 ZRK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 274 & Res. No. 708 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 275

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180488 ZSK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Zoning Resolution Sections 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines; 74-743(a)(2) – to allow for the location of buildings without regard for regulations of Section 23-711 (Standard minimum distance between buildings), Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 275 & Res. No. 709 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 276

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180489 ZMK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d changing from an R6 District to an R7-2 District and establishing within the**

**proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4423), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 276 & Res. No. 710 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 277

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180490 ZSK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32- 36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2, and R7-2/C2-4 Districts, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4423), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 277 & Res. No. 711 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 280

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180344 ZMK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d by changing from an M1-4/R8A District to an M1-6/R8X District property bounded by Jay Street, John Street, a line 150 feet easterly of Jay Street, and Plymouth Street, Borough of Brooklyn, Council District 33, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 28, 2018 (Minutes, page 4568), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 280 & Res. No. 712 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 281

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180345 ZRK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, Borough of Brooklyn, Council District 33, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 28, 2018 (Minutes, page 4568), respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 281 & Res. No. 713 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 287

**Report of the Committee on Land Use in favor of approving Application No. 20195080 SCR (St. John Villa Educational Campus) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for the site selection for a 432-seat primary school and 231-seat 3K/UPK facility at the former St. John Village Educational Campus (Block 3087, Lot 1, and Block 3089, Lot 59), Borough of Staten Island, Council District 50, Community District 2, Community School District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 11, 2018 (Minutes, page 4850), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND - CB 2**

**20195080 SCR**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 432-Seat Primary School & 231-Seat 3K/UPK facility to be located at Block 3087, Lot 1, and Block 3089, Lot 59, Borough of Staten Island, in Community School District No. 31.

**INTENT**

To approve the site plan for a new, approximately 432-seat primary and 231-Seat 3K/UPK school facility in the Grasmere/Concord section of Staten Island to accommodate students in Community School District No. 31.

**PUBLIC HEARING**

**DATE:** December 13, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 13, 2018

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

Adams, Koo, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res. No. 701

**Resolution approving the site plan for a new, approximately 432-Seat Primary School and 231-Seat 3K/UPK Facility at the former St. John Villa Educational Campus located at Block 3087, Lot 1 and Block 3089, Lot 59 in the Grasmere/Concord section of Staten Island, in Community District 2, Borough of Staten Island (Non-ULURP No. 20195080 SCR; L.U. No. 287).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on September 19, 2018, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 432-Seat Primary School and 231-Seat 3K/UPK Facility at the former St. John Villa Educational Campus located at Block 3087, Lot 1 and Block 3089, Lot 59 in the Grasmere/Concord section of Staten Island, Community District No. 2, Borough of Staten Island to accommodate students in Community School District No. 31 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 13, 2018;

**WHEREAS**, the Council has considered the relevant environmental issues, including the determination by the New York City School Construction Authority, that the Application is a Type II action and requires no further review (the "Type II Determination"); and

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



the Site Plan.

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 288

**Report of the Committee on Land Use in favor of approving Application No. 20195158 SCK (Former St. Rosalia Church Property) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for the site selection of a new approximately 380-seat primary school facility on property located at Block 5741, Lot 5, Borough of Brooklyn, Council District 38, Community District 11, Community School District 20.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 11, 2018 (Minutes, page 4850) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN - CB 11**

**20195158 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 380-Seat Primary School to be located at Block 5741, Lot 5 Borough of Brooklyn, in Community School District No. 20.

**INTENT**

To approve the Site Plan for the construction of a new, approximately 380-seat primary school in the Bensonhurst section of Brooklyn to accommodate students in Community School District No. 20.

**PUBLIC HEARING**

**DATE:** December 13, 2018

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 13, 2018

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

Adams, Koo, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res. No. 702

**Resolution approving the site plan for the construction of a new, approximately 380-Seat Primary School Facility at the former St. Rosalia Church property located at Block 5741, Lot 5 in the Bensonhurst section of Brooklyn in Community District 11, Borough of Brooklyn (Non-ULURP No. 20195158 SCK; L.U. No. 288).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on October 12, 2018, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for the construction of a new, approximately 380-seat primary school facility at the former St. Rosalia Church property located at Block 5741, Lots 5 in the Bensonhurst section of Brooklyn, Community District No. 11, Borough of Brooklyn to accommodate students in Community School District No. 20 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 13, 2018;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on November 26, 2018, (SEQR Project Number 19-009) (the “Negative Declaration”); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 289

**Report of the Committee on Land Use in favor of approving Application No. 20195038 TCM submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 380 East Ventures LLC, d/b/a Factory 380 for a new revocable consent to maintain, operate, and use an unenclosed sidewalk café located at 380 3rd Avenue, Borough of Manhattan, Council District 2, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 11, 2018 (Minutes, page 4851) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 6**

**20195038 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of 380 East Ventures, LLC, d/b/a Factory 380, for a new revocable consent to maintain, operate and use an unenclosed café located at 380 3<sup>rd</sup> Avenue, in the Borough of Manhattan.

**INTENT**

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

**PUBLIC HEARING****DATE:** December 13, 2018**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 13, 2018

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

**In Favor:**

Moya, Constantinides, Levin, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya,

**Against:**

None

**Abstain:**

None

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

Res. No. 703

**Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 380 3<sup>rd</sup> Avenue, Borough of Manhattan (Non-ULURP No. 20195038 TCM; L.U. No. 289).**

By Council Members Salamanca and Moya.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on November 30, 2018 its approval dated November 29, 2018 of the petition of 380 East Ventures, LLC, d/b/a Factory 380, for a new revocable consent to maintain, operate and use an unenclosed sidewalk café located at 380 3<sup>rd</sup> Avenue, Community District 6, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on December 13, 2018; 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

**Report of the Committee on Parks and Recreation**

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

Report for Int. No. 1300

**Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of 68 thoroughfares and public places, Correction Officer Jonathan Narain Way, Borough of Queens, Frank Appice Way, Borough of Staten Island, Salvatore Micciulla Way, Borough of Staten Island, Mafalda DiMango Way, Borough of Brooklyn, Lawrence "Larry" Morrish Way, Borough of Brooklyn, Mill Street Synagogue/Seixas Way, Borough of Manhattan, Loeser's Deli Place, Borough of the Bronx, Chester Carlson Way, Borough of Queens, Mount Everest Way, Borough of Queens, Fannie Pettie Watts Way, Borough of Brooklyn, Christopher Wallace Way, Borough of Brooklyn, Gerri Lamb Way, Borough of the Bronx, 2<sup>nd</sup> Lt. John N. Sekul Place, Borough of the Bronx, Dr. Lamuel Stanislaus Way, Borough of Brooklyn, Freemason Way, Borough of the Bronx, Police Officer Manuel (Manny) Vargas Way, Borough of the Bronx, Michele Muccio Way, Borough of the Bronx, Father Yohanna T. Guirgis Way, Borough of Queens, Rev. Dr. V. Seymour Cole Way, Borough of the Bronx, Adelaide Connaughton Way, Borough of Queens, Ramesh D. Kalicharran "Kali" Way, Borough of Queens, JMC Way, Borough of Queens, Giselle McGee Way, Borough of Brooklyn, Kenneth Thompson Street, Borough of Brooklyn, Marie Runyon Way, Borough of Manhattan, Major Joseph R. Sciacca Way, Borough of Staten Island, Chief of Detectives William Allee Way, Borough of Staten Island, Jacques Marchais Way, Borough of Staten Island, William J. Liell Way, Borough of Staten Island, Zanu G. Simpson Way, Borough of Queens, Rev. Walter A. & Doris L. Jones Way, Borough of Queens, Margie Boyd Way, Borough of Queens, Rev. Julius & Mother Coreania Carter Way, Borough of Queens, Melody Anne-Simone Edwards Way, Borough of Queens, Hopkins Way, Borough of Queens, Nicholas Pennetti Way,**

**Borough of Queens, Five Percenter Allah & Justice Square, Borough of Manhattan, Dr. Yosef ben-Jochannan Way, Borough of Manhattan, William Atmore Byrd, Sr. Place, Borough of Manhattan, Angelo M. Falcón Way, Borough of Brooklyn, Ramon Raimundi Way, Borough of Brooklyn, Rev. Dr. Freddie Brunswick Sr. Way, Borough of Queens, Leroy Jackson Way, Borough of Queens, Rabbi Raphael “Ralph” Pelcovitz Way, Borough of Queens, Fred Bass Way, Borough of Manhattan, Hector Rivera Way, Borough of Manhattan, Carlos Cooks Way, Borough of Manhattan, Pedro Rafael Landestoy Duluc Way, Borough of Manhattan, San Romero de América, Borough of Manhattan, Carmen Georgina Acosta-Cruz Way, Borough of Manhattan, Social Activist Charles K. Smith Way, Borough of Staten Island, Jody Haggerty Way, Borough of Staten Island, Bandleader William “Bill” Hughes Way, Borough of Staten Island, New York Poet Laureate Audre Lorde Way, Borough of Staten Island, Wu-Tang Clan District, Borough of Staten Island, Beulah E. Sanders Way, Borough of Manhattan, Sesame Street, Borough of Manhattan, Fannie Lou Hamer Street, Borough of the Bronx, Mother Arnetta Crawford Way, Borough of the Bronx, Dwayne “The Pearl” Washington Way, Borough of Brooklyn, Bishop Landon E. Penn Way, Borough of Brooklyn, Junior Feliz Way, Borough of the Bronx, Audie Trinidad Way, Borough of the Bronx, Woody Guthrie Way, Borough of Brooklyn, Chief Ronald Spadafora Way, Borough of Queens, Gertrude McDonald Way, Borough of Queens, Terri Mona Adams Way, Borough of Queens, Muhammad Ali Jinnah Way, Borough of Brooklyn and the repeal of sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of local law number 139 for the year 2018, section 24 of local law number 110 for the year 2017 and sections 40 and 41 of local law number 237 for the year 2017.**

The Committee on Parks and Recreation, to which the annexed preconsidered proposed local law was referred on December 20, 2018, respectfully

#### **REPORTS:**

##### Comment:

On December 19, 2018, the Committee on Parks and Recreation will hold a hearing on Preconsidered Int. No. 1300 which co-names sixty-eight (68) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

#### **Section 1. Correction Officer Jonathan Narain Way**

Introduced by Council Member Adams  
Died September 14, 2018

Jonathan Narain was a corrections officer at Rikers Island who was shot and killed on his way to work in a road rage incident. He was a regular attendee at Shree Durga Mandir, a Hindu religious institution and was a

leader within the Mandir and worked with students and worshippers offering counseling, mentoring and even career advice about working for the City of New York. His commitment to the Mandir was reflected in his funeral where hundreds of members attended. He was an inaugural member of Naturally Recklez, a popular charitable Caribbean music group in Queens where he played the dholak, a percussion instrument. It was here he began mentoring and coaching teenagers, leaving behind a legacy as a role model and provided young people access to music education in the neighborhood. Within the Department of Correction, he was an active member of the Desi Society, a South Asian and Indo-Caribbean organization that seeks to increase minority recruitment in the Department and build understanding of the role within our communities.

### **Section 2. Frank Appice Way**

Introduced by Council Member Borelli

November 16, 1937 – January 15, 2017

Frank Appice served in the United States Navy and was stationed on the USS Intrepid. He was vice president of the Former Crew Members Association and served on its board of directors. He was the chairman and founder of Rolling Thunder Chapter 2 NY, the largest chapter of motorcycle riders of the six chapters throughout the state of New York. Rolling Thunder was established in 1987 to call attention to any prisoners of war or those listed as missing in action. Riders are committed to helping United States veterans from all wars. He was a member of the Disabled American Veterans (DAV) and used the Rolling Thunder Chapter 2 to set up the annual DAV support run which has raised in excess of \$75,000. The Frank Appice Scholarship Fund was set up for students applying for college and students already enrolled in college as well. The scholarship is available to children and grandchildren of veterans and also to students who volunteer for veteran causes.

### **Section 3. Salvatore Micciulla Way**

Introduced by Council Member Borelli

March 18, 1942 – April 11, 2018

Salvatore Micciulla was born in Manhattan and later relocated to Staten Island in May 1978. He was an alumnus of the N.Y. School of Printing. For 50 years, he was employed as a laborer foreman with the Mason Tenders Union No. 79, retiring in December of 1998. Salvatore was a member of the Stolzenhaller Council (No. 1675) of the Knights of Columbus, holding title of a Fourth Degree Knight with the Governor Dongan Assembly. He also served as a color corps member of the Knights and volunteered proudly for Knights fundraising activities. During his tenure with the Knights, he was honored as a Knight of the Month and also Knight of the Year. He attended Mass at Holy Family R.C. Church.

### **Section 4. Mafalda DiMango Way**

Introduced by Council Member Brannan

October 21, 1926 – August 2, 2018

Mafalda DiMango was a long-time community and education activist and was one the longest-serving school board members in the history of the City. She served over 40 years advocating for students in School District 20 as a member of the school board and the Community Education Council. She was a member of the Dyker Heights Civic Association and Community Board 11 and received many awards for her service, including the Civic Award, the Woman of the Year Award and the Hidden Treasure of the Community Award. She received the JFK Italian-American Heritage Citation, was honored by the National Conference of Christians and Jews and was knighted by the president of Italy.

### **Section 5. Lawrence “Larry” Morrish Way**

Introduced by Council Member Brannan

October 15, 1944 – January 8, 2016

Larry Morrish founded the Bay Ridge Ambulance Volunteer Organization in 1974, which is now the state’s largest volunteer service. He founded the Saint Patrick’s Day Parade in the 1990’s and the Bay Ridge Unity Task Force to promote interfaith peace following the 9/11 attacks. He also founded the Bay Ridge Unity Task Force and also was a supporter of the Ft. Hamilton Army base. Projects he organized on the base were toy drives and had the Visitation Academy choir sing at the memorial for a fallen Navy Seal, Michael Murphy for the past 12 years. He spearheaded an initiative to assist transitioning soldiers and NY National Guard veterans returning from deployment to find jobs with the Bureau of Prisons (BOP). As a result of his efforts, several soldiers are now BOP officers and Fort Hamilton added the BOP to the installation Transition Assistance Program as an organization that provide veterans employment opportunities. His efforts with Fort Hamilton earned him numerous recognitions and accolades from senior military leaders from the Military District of Washington and Fort Hamilton. He has a room at the Military Entrance Processing Station named in his honor. The room is used to prepare military applicants to take the Oath of Enlistment. He also received the Bay Ridge Community Council Civic Award and has been named “Man of the Year” by the Ragamuffin Children’s Parade, Bravo, the Kiwanis Club and the Salvation Army.

### **Section 6. Mill Street Synagogue/Seixas Way**

Introduced by Council Member Chin

January 15, 1745 – July 2, 1816

Gershom Mendes Seixas was the first American-born spiritual leader of Shearith Israel and was active in a wide range of civic organizations such as the Humane Society, the Board of Regents of the University of New York, and a regent and trustee of Columbia College. In 1943, the Jewish Studies Society of Columbia University became known as the Seixas Society.

### **Section 7. Loeser’s Deli Place**

Introduced by Council Member Cohen

Loeser's Kosher Deli opened in 1960, and is cherished for its longstanding contributions to the community. The deli has been owned and operated by Fredy Loeser and his family in all of its 58 years, and is the oldest Kosher Deli in continuous operation in the Bronx. It has stood with local schools, houses of worship and community activism for the betterment of the Bronx.

### **Section 8. Chester Carlson Way**

Introduced by Council Member Constantinides

February 8, 1906 – September 19, 1968

Chester Carlson was born in Seattle, Washington and attended Riverside Junior College in Riverside, California, and later enrolled in the California Institute of Technology, where he received his bachelor’s degree in physics in 1930. He later attended New York Law School where he received an LL.B. in 1939. After being laid off from Bell Labs in the midst of the Great Depression, he began experimenting with different methods of printing and copying documents, including copying technologies that did not require wet inks. On October 22, 1938, in his lab on the second floor of the house at 32-05 37<sup>th</sup> Street in Astoria, he and his partner Otto Kornei successfully made the world’s first xerographic image. The technology would revolutionize the way that businesses operated, and eventually led to the rise of the Xerox Corporation. Xerox researches would go on to pioneer many components of the computer revolution such as the graphic user interface and the computer



mouse. In his later years, he donated a lot of his wealth to humanitarian, civil rights, and spiritual organizations.

### **Section 9. Mount Everest Way**

Introduced by Council Member Constantinides

This co-naming would honor the Nepali community in New York City. Although New York City has had a Nepali community for at least half a century, it was only in the last decade that the community began to grow substantially as a result of political strife and natural disasters. Currently, approximately 10,000 Nepalis call New York City home, although some estimates have suggested that the number could be close to double that figure. Many of these recent immigrants have come to settle in Queens, particularly in the Jackson Heights community. Mount Everest, or Sagarmatha in Nepali, is the tallest mountain on the Earth above sea level. Its peak is situated on the border between Nepal and China and consequently it serves as one of the most prominent symbols of the Nepali nation. Notably, the first known expedition to successfully reach the summit was from the Nepal side of the mountain and would not have succeeded but for the assistance of a team of Nepali Sherpas led by Tenzing Norgay.

### **Section 10. Fannie Pettie Watts Way**

Introduced by Council Member Cornegy Jr.  
December 20, 1899 – 1955

Fannie Pettie was born in Perry, Georgia and attended public school in Savannah, Georgia. She continued her formal training at Georgia State College and later graduated from Howard University with a Bachelor of Arts degree in Education. She also achieved her post-graduate degree in social work and housing at New York University. She relocated to Brooklyn, NY and became a Social Investigator for the Department of Social Service in Brooklyn. She was also the Director of the Cradle Roll division of Brooklyn's Nazarene Congregational Church where she assisted with the organization and development of prenatal/parenting classes and gatherings for expectant parents. She was an active member of Nazarene Congregational Church until her death. Additionally, she was an active participant in the local block association and was the link between community development workers and a range of other local authority and voluntary sector providers, such as the police, social workers and teachers. Her commitment to the Bedford Stuyvesant community and her focus on community collaboration led to the creation of a number of volunteer opportunities and community leadership roles. She was one of the co-founders of Zeta Phi Beta Sorority, Incorporated, was a Life Member and held membership with Delta Alpha Zeta Graduate Chapter in Brooklyn, New York. She is credited with organizing Omicron Beta Chapter in Brooklyn.

### **Section 11. Christopher Wallace Way**

Introduced by Council Member Cumbo  
May 21, 1972 – March 9, 1997

Christopher Wallace who was known professionally as Biggie Smalls, Biggie and the Notorious B.I.G. and is considered one of the most influential rappers of all time. He began rapping as a teenager and made a demo tape which The Source magazine profiled Biggie in their Unsigned Hype column in March 1992. The recording came to the attention of Sean “Puffy” Combs, an A&R executive and producer who worked for Uptown Records. Combs set up his own record label called Bad Boy Records and signed Biggie. From there, he released the “Ready To Die” album which was certified platinum and was named MC of the Year at the 1995 Billboard Music Awards. Two years later, he was gunned down and killed by an unknown assailant while leaving a party. His album “Life After Death” was released 16 days after his death and became one of the few hip-hop albums to be certified Diamond.

**Section 12. Gerri Lamb Way**

Introduced by Council Member Diaz  
January 11, 1945 – July 31, 2018

Gerri Lamb was a Castle Hill resident and community activist for over four decades. She ran the Castle Hill Tenants Association and served as a volunteer on Pathways for Youth and the Kips Bay Boys and Girls Club. She served as president of the North Bronx Council of NYCHA Tenants and chaired the Citywide Council of Presidents since 1991. For more than 20 years, she served as Castle Hill Resident Association president and in 1983, she was able to bring the first ‘off-campus’ site of Touro College to the Castle Hill Community, and during the next four years, more than 20 community residents received their Associate’s or Bachelor’s Degree. She was the driving force behind the ongoing renovation of Castle Hill’s community center and the Annual Castle Hill Community Day Celebration and was the recipient of many awards, including the New York State Minorities in Criminal Justice, Inc.; 2012 I.S. 131 Parents Association Award; 2007 New York State Housing Authority Queens Community Operations Women’s History Month; 2007 Bronx Christian Charismatic Prayer Fellowship Award; 2010 Women of Distinction Award and the Top 25 Bronx Most Influential Women.

**Section 13. 2<sup>nd</sup> Lt. John N. Sekul Place**

Introduced by Council Member Diaz  
1922 – August 26, 1944

John N. Sekul joined the military in 1942 and was assigned to the 491<sup>st</sup> Bombardment Group, 854<sup>th</sup> Bombardment Squadron, specifically to a B-24J model 42-110107, known as the Wham Bam Thank You M’am! On it’s first and last mission, Sekul’s plane was shot down after releasing bombs on a target located just north of Hanover, Germany. The entire plane crew were captured and were loaded onto a train to be transported to the prisoner interrogation center in Oberursel. However, the train tracks were damaged by an RAF raid on Rüsselsheim forcing the eight American soldiers off the train and escorted through town by two German soldiers. While the American soldiers walked through the streets of Rüsselsheim, residents began attacking them with building materials, stones, bricks, lumber and hammers eventually killing Sekul and some of the other soldiers. Two American soldiers of the crew managed to escape but were again captured a few days later and remained as POW’s until the end of the war. 2<sup>nd</sup> Lt. John N. Sekul was killed that day in the line of duty.

**Section 14. Dr. Lamuel Stanislaus Way**

Introduced by Council Member Eugene  
April 22, 1921 – September 18, 2016

Dr. Lamuel Stanislaus was a renowned humanitarian who advocated tirelessly on behalf of Caribbean-Americans and many other communities among the widely diverse population of Brooklyn, and will be remembered as a peaceful mediator, memorialized by his role in helping resolve the Crown Heights riots as part of a group created by the late Governor Mario M. Cuomo. He was born in Petite Martinique Grenada and later became a graduate of Howard University where he received a B.S. in 1948 and a Doctor of Dental Surgery in 1953. He performed dentistry in New York City for 32 years before becoming Grenada’s Ambassador to the United Nations in 1985, a position he would hold until 1990, and once again from 1996 to 2004. He was Grenada’s Ambassador-at-Large and Deputy Permanent Representative for two years. While serving as a diplomat in the United Nations, he was not only an advocate for Grenada, but he spoke out on behalf of Caribbean, Latin American, and other small countries. He served for a year as the Vice-President of the UN General Assembly, and during that time was appointed to act for a month in the absence of the President of the General Assembly. He was instrumental in establishing the West Indian Day Carnival in Brooklyn and the Caribbean Chamber of Commerce. He was the recipient of many professional and civic awards, including the Insignia of Commander of the British Empire from her Majesty the Queen of England,

the Lifetime Achievement Award from the Brooklyn District Attorney's Office, and the Distinguished Service award from the Brooklyn Historical Society.

### **Section 15. Freemason Way**

Introduced by Council Member Gjonaj

This co-naming would commemorate the 100<sup>th</sup> year anniversary of the Bronx Masonic District. The Bronx Masonic District supports the local boys and girl scouts, local churches and the Toys for Tots program.

### **Section 16. Police Officer Manuel (Manny) Vargas Way**

Introduced by Council Member Gjonaj

Died November 1, 2018

Manny Vargas was a highly decorated 23-year veteran of the NYPD. He was appointed to the NYPD on February 28, 1994. After graduating, the Police Academy Officer, he was assigned to the 24<sup>th</sup> Precinct in Manhattan. He was later transferred to the 49<sup>th</sup> Precinct in 2006 and worked as a patrol officer until 2013 when he was selected to serve as one of the precinct's Traffic Safety Officers. He died as a result of 9/11 illness from working at Ground Zero.

### **Section 17. Michele Muccio Way**

Introduced by Council Member Gjonaj

November 6, 1973 – March 17, 2018

Michele Muccio was a class mom for many years and also served on the Home School Association Board. She volunteered as a cheerleading coach at St. Theresa in 2007 and later became the cheerleading coach at Cardinal Spellman High School. Michele Muccio was awarded a Citation from Assemblyman Michael Benedetto for her outstanding work in the community surrounding but not limited to the organization of the Annual St. Theresa Festival. Cardinal Spellman High school awarded her with the administrator of the month. Senator Klein awarded her with a recognition plaque for going beyond the call of duty for students. She was a mentor and helped shape the lives of young students in and around the 13<sup>th</sup> Council District. She was also a strong advocate with the Pelham Bay Taxpayers Association and successfully organized community meetings with local, state, and federal elected officials. Lastly, she would volunteer with several community-based events such as but not limited to the St. Theresa Festival, the Greek Festival, the Westchester Square BID Fair at the Square, and the International Music Festival.

### **Section 18. Father Yohanna T. Guirgis Way**

Introduced by Council Member Holden

Died May 22, 2018

Father Yohanna T. Guirgis arrived in Ridgewood in 1973 and began his ministry in expanding the awareness of the Coptic Christians who are a minority in the Egyptian population accumulating only 10 percent. As persecution began to arise in Egypt against the Coptic Christians, many sought refuge in the United States to begin a new life. Father Yohanna T. Guirgis was one of the first of the Coptic Christians to arrive in the United States and began aiding other Coptic Christians arriving from Egypt. He rented space in a church and began ministry services for Coptic Christians as they were taught in Egypt, becoming the first Coptic Christian Church in the United States. There, he also assisted Coptic Christians get jobs and housing, many times offering his own home for Coptic Christians until they got on their feet. For over 45 years, he aided hundreds of families and held festivals in the community.

**Section 19. Rev. Dr. V. Seymour Cole Way**

Introduced by Council Member King

Died October 13, 2017

Rev. Dr. V. Seymour Cole was the founder of Bronx Bethany Church of the Nazarene in 1964 and served as pastor for 36 years. In the first 13 years of the church, Rev. Cole commuted from Connecticut approximately 60 miles each way, in order to ensure the establishment of the fledgling church. Rev. Cole tirelessly and effectively pastored this congregation for 36 years before retiring and turning over the pulpit in 2000. The pastor built a strong community and contributed to the larger Northeast Bronx community in numerous ways, such as serving as Vice President of the 47<sup>th</sup> Precinct Clergy Coalition where marched against drug pushers and fostered safety and youth development. He received many civic, political and religious awards and has been recognized as a renowned conference speaker in the United States and the Caribbean. Bronx Bethany has been involved in the development of churches in Pakistan and Colombia and constructed a church in White Plains, NY and New Rochelle, NY.

**Section 20. Adelaide Connaughton Way**

Introduced by Council Member Koslowitz

September 24, 1958 – May 12, 2018

Adelaide Connaughton was a long-time community activist who participated in New York City politics and civic activities since she was 15 years old. In high school, Adelaide worked as an intern for then Assistant Queens District Attorney, Geraldine Ferraro, and went on to work for several elected officials, including the first Lesbian Latina member of the New York City Council, Margarita Lopez. Prior to joining the staff of Council Member Lopez, she served as a Lieutenant for the New York City Emergency Medical Service of the Fire Department of New York and retired after 20 years of service. She also briefly sold real-estate, and achieved “million dollar” agent status at a local real estate firm. She was as a Senior Entitlement Specialist for the Fortune Society, a non-profit organization with a 50-year track record of providing criminal-justice involved individuals with the supportive, wrap-around services needed to thrive as positive, contributing members of society. At Fortune, she provided assistance to formerly incarcerated men and women, and supported them as they re-entered society. She worked at Safe Space, a non-profit organization dedicated to families and youth, in the LGBT Division where she helped link homeless LGBT youth to supportive care. She fought for progressive causes important to the LGBT community and all New Yorkers and served on the Board of Governors of the Stonewall Democratic Club of NYC and the Executive Board of AIDS Center of Queens County (ACQC). She was also a founding Vice-President of the Jim Owles Liberal Democratic Club and from 2012 to 2018, Adelaide and her West Highland Terrier, Elvis, participated in a therapy dog program sponsored through the Auxiliary of NYC Health and Hospitals/Jacobi. Adelaide and Elvis visited patients once a week at Jacobi to help with their healing process and they also visited patients in the psychiatry department once a month at NYC Health and Hospitals/North Central Bronx. Elvis and Adelaide were the first dog/human team to receive an Auxiliary Award from NYC Health and Hospitals.

**Section 21. Ramesh D. Kalicharran “Kali” Way**

Introduced by Council Member Lancman

April 7, 1949 – December 3, 2017

Ramesh D. Kalicharran was a businessman and activist who owned a real estate company in Queens and also ran a successful tour company, Kali Travel and Tours which promoted many successful tours to India. He was also an activist in the community and supported many causes including for representation in Queens of the Indo-Caribbean holidays of Diwali and Phagwah. He founded the Gyaan Bhakti Satsangh Mandir, convened a meeting of Hindu Priests from which was born the USA Pandits’ Parishad and was a founding member of the Indo-Caribbean Federation which hosts the annual Indian Arrival Day celebrations. He was a founding member of the Indo-Caribbean Council, promoting the rights and welfare of the Indo-Caribbeans in the United

States and the Caribbean. He launched an Indo-Caribbean ethnic radio program called “Sangeet Mala (1520AM) in the mid-1980’s. He was one of the founders of the Phagwah Parade, which is the biggest Indo-Caribbean community mobilization. He was a founder of the Global Organization of People of Indian Origin (GOPIO) and served as the Caribbean Regional Coordinator. GOPIO represents 23 million Indians who live outside India. He received many awards from the NY State Assembly, NYC Council, the Queens Borough President’s Office, the United States Congress and the Guyana president. He also received the Bharat Gaurav Life Time Achievement award from the Sarv Brahman Sabha of Jaipur India in 2012.

### **Section 22. JMC Way**

Introduced by Council Member Lancman

The Jamaica Muslim Center (JMC) is a community institution founded in the 1980’s, and is the largest mosque in the area, serving a largely South Asian population of worshipers. Not only does JMC host required Muslim prayers five times a day, but also organizes community events around Muslim holy days like Eid. It is dedicated to being a good neighbor by promoting Islamic awareness and assisting the larger Jamaica neighborhood. It houses the Desi Senior Center while also running programs of all sorts for youth and other segments of the community. The Al-Mamoor Islamic School was established by JMC at their site and operated there for more than 10 years before expanding to a new building a few years ago. JMC also runs the Iqra Library in its extension building.

### **Section 23. Giselle McGee Way**

Introduced by Council Member Lander

April 1, 1955 – December 24, 2017

Giselle McGee was a dedicated educator who pioneered French-English language programs in NYC schools. She taught at St. Patrick's Elementary School in Richmond Town on Staten Island for 10 years, taught early childhood for NYDOE at P.S.126 in Chinatown, New York City, for 12 years, was a staff developer for seven years at P.S. 94 in Sunset Park and P.S. 15 in Red Hook, from 2004 to 2006 was assistant principal at P.S. 29 in Cobble Hill, Brooklyn. In 2006, she was appointed principal at P.S. 58, The Carroll School, in Carroll Gardens, Brooklyn by Chancellor Carmen Farina. She was one of only three forerunners in the NYDOE to launch a French-English Dual Language Program and grew the school from 330 to 975 students. She was made a Knight in the Order of Academic Palms in 2009 by French Ambassador Pierre Vimont for her work with the French-English Dual Language Program and also received the Label FrancEducation, a prestigious award, given by the French Ministry of Foreign Affairs as a formal recognition and accreditation to schools providing a French bilingual program. At the time, only eight schools worldwide had received the award, including two New York recipients. She was also selected as a "Cahn Fellow"; The Cahn Fellows Program for Distinguished Principals is the only program in the United States that recognizes, honors, and supports exemplary public school principals by providing them with quality professional development in a yearlong fellowship and study at Teachers College, Columbia University.

### **Section 24. Kenneth Thompson Street**

Introduced by Council Members Levin and Cumbo

March 14, 1966 – October 9, 2016

Kenneth P. Thompson was the first African-American District Attorney of Kings County, New York, from 2014 until 2016. He was born and raised in New York City and went to New York City public schools, attended John Jay College of Criminal Justice, and graduated from the New York University School of Law in 1992, where he earned the Arthur T. Vanderbilt Medal for contributions to the law school community. His impact on Brooklyn, New York, and the nation’s criminal justice legal is significant. In 1995, became an Assistant U.S. Attorney in the United States Attorney's Office in Brooklyn, where he worked with Loretta

Lynch on the federal prosecution team in the 1997 trial of former officer Justin Volpe, who was accused of assaulting Abner Louima inside a bathroom at the 70<sup>th</sup> Precinct in Brooklyn. Thompson delivered the opening prosecution arguments in the police brutality trial, which resulted in Volpe changing his plea to 'guilty.' In September 2013, he won the election to become Brooklyn District Attorney. His legacy is remembered for racial justice advocacy, the decision to no longer prosecute low level marijuana cases, a crackdown on gun violence, and an internal review board that exonerated at least 20 wrongfully convicted defendants.

### **Section 25. Marie Runyon Way**

Introduced by Council Member Levine

March 20, 1915 – October 7, 2018

Marie Runyon was known for challenging Columbia University's expansion plans in Harlem and Morningside Heights. Colombia's College of Pharmaceutical Sciences was hoping to demolish the Colombia-owned apartment buildings as part of the university's master plan to accommodate more students and replace antiquated facilities. She spearheaded her own protests, as well as rent strikes and legal action against the evictions and won most of her suits under rent control protections. In 1996, Colombia announced that it would no longer seek to evict the people still living in her building and in 2002, Colombia announced that a renovated building was being renamed Marie Runyon Court. In 1969, she established Marie Runyon Associates to raise funds for progressive and radical groups and later won the Democratic nomination for the Assembly seat representing West Harlem and Morningside Heights and won the general election. While serving as an Assembly Member, she helped win partial clemency from Governor Hugh L. Carey for Martin Sostre, a Puerto Rican independence advocate who was serving a 41-year sentence on questionable drug and riot charges. In 1977, she founded the Harlem Restoration Project, which managed building and hired former inmates to rehabilitate apartments. She campaigned against American involvement in Vietnam, supported the Black Panthers and nuclear disarmament. She continued to get arrested for civil disobedience into her 90s as a leader of the Granny Peace Brigade, which protested the war in Iraq.

### **Section 26. Major Joseph R. Sciacca Way**

Introduced by Council Member Matteo

July 14, 1917 – February 16, 2018

Joseph R. Sciacca was born, July 14, 1917 on Cherry Street in the Little Italy section of Manhattan and relocated with his family to Grant City as a young child and lived there until his death at the age of 100. He attended P.S. 33, P.S. 41 and Tottenville High School and also attended New York Law School and Fordham University. He joined the United States Army and served stateside from 1941 until 1946 and was in the Army reserves until he retired from the reserves in 1968 as Major. He worked for Buitoni Foods Corporation from 1947 until 1989 as a credit manager, salesman, district sales manager and regional sales manager. He was also Deputy Commissioner at the New York State Athletic Commission from 1965 until 1975. He was president of the Staten Island Council of the Boy Scouts of America, an organization for which he was honored several times, was active in St. Christopher's R.C. Church on Staten Island where he was an usher for more than 50 years and a member of its Holy Name Society. He was also very active in the Knights of Columbus, Manresa Council, Richmond Memorial Hospital Association, Staten Island Cancer Society – Executive Board – awarded "Man of the Year" 1975, the American Legion – Post 316, Bayley Seton Hospital – Board of Trustees, and the Board of St. Elizabeth Ann Health Care and Rehabilitation Center. With the Boy Scouts, he was on the Staten Island Executive Board for many years and served as Staten Island Council President in 1979. His political activities included the Republican County Committee of Richmond County, Vice Chairman of the Republican County Committee 1969 until 1972, Delegate at the Republican National Convention 1972, member Republican State Committee 1969 until 1972, Delegate at the Republican State Convention 1958 until 1970, Assembly District Leader, 2<sup>nd</sup> Assembly District, 1962 until 1967 and Assistant Assembly District Leader, 2<sup>nd</sup> Assembly District 1961 until 1962.

### **Section 27. Chief of Detectives William Allee Way**

Introduced by Council Member Matteo  
December 27, 1941 – May 24, 2018

William Allee was a member of the NYPD for 40 years. During his term of service with NYPD, he rose through the ranks eventually becoming Chief of Detectives. He was on duty during the 9/11 attacks and also oversaw the operations at both Ground Zero and the Staten Island Landfill. He died as a result of 9/11 illness.

### **Section 28. Jacques Marchais Way**

Introduced by Council Member Matteo  
1887 – 1948

Jacques Marchais was one of the earliest collectors of Tibetan art in the United States. She developed this affinity for Tibetan culture in the late 1920s, and thoroughly studied all she could. After viewing an exhibit dedicated to the Chinese Lama Temple Potala of Jehol, at the 1933 Century of Progress International Exposition in Chicago, she became particularly inspired to enhance her collection of Tibetan artifacts and share her knowledge with the world. In 1945, she founded the Jacques Marchais Museum of Tibetan Art in Lighthouse Hill on Staten Island. She designed the buildings which are the first Himalayan style architecture to be built in the United States and is the first museum in the world solely dedicated to Tibetan art. The museum also offers classes in Tai Chi and meditation.

### **Section 29. William J. Liell Way**

Introduced by Council Member Matteo  
May 6, 1931 – September 12, 2018

William J. Liell joined the United States Army at the age of 18 and was assigned to Company C of the 511<sup>th</sup> Parachute Infantry of the 11<sup>th</sup> Airborne Division in Ft. Campbell, Kentucky. On August 14, 1952, as a member of Company A-187<sup>th</sup> ARCT in Koje-do Islands, Korea, he was assigned to the front lines in the Iron Triangle. He along with five other soldiers, were sent on patrol to recon a river crossing two miles outside the Out Post Line Resistance. They were attacked by hundreds of enemy soldiers and ran into caves for cover and returned fire. After his radio operator was severely wounded, he took over the radio and left his covered position several times to save wounded soldiers and operate the radio for which he was awarded the Bronze Star with V for Valor device and the Purple Heart. After a week in a MASH unit, he made 39 parachute jumps and was awarded the Senior Parachutist Badge. In 1952, he returned to the front lines in Korea and was assigned to the 2<sup>nd</sup> Infantry Division, was transferred to Company C and promoted to rank of Sergeant. He was commissioned a 2<sup>nd</sup> Lieutenant, after training in Ft. Benning and attended Ranger School and left the active Army in 1962 and returned to the Army Reserve. He later became a police officer with the NYC Housing Authority and started the PBA paper, "On The Beat" for 25 years. He worked as director in the PBA and retired as treasurer. He also volunteered his time at St. Francis College's Law Enforcement Assistance Program and was awarded the Franciscan Spirit Award. He wrote the security manual for the NYC Housing Police and retired as a 3<sup>rd</sup> Grade Detective, after 27 years of service. He was a member of the Cespino-Russo American Legion Post and editor of their monthly newsletter, "The Beachcomber," the Oakwood VFW Post and Adjutant of the Capodanno Chapter of the Purple Heart Chapter No. 1101, the Staten Island Guardsmen, Catholic War Veterans, Korean War Veterans (Kivlehan Chapter), D.A.V. (Halloran Chapter 34), American Veterans and Vietnam Veterans (Tori Chapter), he was an Ecumenical minister at the Capodanno Chapel in Ft. Wadsworth and 4<sup>th</sup> degree Knight of Columbus at Madonna Council at Holy Rosary Church in South Beach, and was a member of many community organizations, including the Urban Action Task Force, Holy Family Parish Council and started 17 block associations and Street Tree Programs while residing in Brooklyn. He was also the Grand Marshall for the 2014 Memorial Day Parade in Richmond County.

### **Section 30. Zanu G. Simpson Way**

Introduced by Council Member Miller

July 9, 1985 – July 25, 2017

Zanu Simpson or Z Da Great as he's affectionately known by his friends, family, and clients, was more than a barber. He was a leader amongst his peers and in his community. He was the son of Jamaican immigrants who came to America when he was as a small child. As a young man he played sports and attended I.S 192 and Bayside High School. He was all city football quarterback and starting point guard for the Bayside basketball team. He traded his football for clippers and went into business with older brother becoming a barber. He quickly became one of the most sought after barbers in New York. When he wasn't cutting hair, he spent his time mentoring younger Rifles players and Campus Magnet football players. On his days off, he would make house calls to a young man with autism just to cut his hair and make him smile. When his beloved Rifles would host carwash fundraisers, he showed up just to donate in order to help them meet their goals even when he did not need a car wash. He held annual Back to School Picnics in which he provided a day of free food, games, tournaments, and a \$200 backpack give away filled with school supplies for the children of Hollis Queens. He spent holidays giving free haircuts to the homeless and if a single mother could not afford her sons haircut, he would offer a free haircut.

### **Section 31. Rev. Walter A. & Doris L. Jones Way**

Introduced by Council Member Miller

Reverend Walter A. Jones, Sr. (September 6, 1924 – April 7, 2017) became active in the church at a young age. He started as a Sunday School Teacher and was elevated to the Superintendent of the Sunday School. He was a World War II Veteran with an Honorable Discharge. When he moved his family to Hollis, there were no churches in the neighborhood and he filled this void by organizing Bible study in his home. He was the Senior Pastor and organizer of the Majority Baptist Church in Saint Albans, New York. It was in his home, on October 6, 1960, where the Majority Baptist Church was born with six women and thirteen children. The church was named Majority Baptist Church in recognition of the church in Spartanburg, South Carolina where Walter Jones accepted the Lord as a young boy. He completed his ministerial studies at the New York Theological Seminary of New York City and the Bethel Bible Institute under the late Bishop Roderick Caesar, Sr. He also completed Bible Study Classes at the Bryant Memorial Baptist Church under the late Reverend Dr. Katherine Brazley, and was ordained in 1958. For over 49 years, Majority has been known to be a place of opportunity and a learning institution. He was the former President of the Baptist Minister's Conference of Queens and Vicinity; a member of the Baptist Minister's Conference of Greater New York and Vicinity; the Eastern Baptist Association; the Minister's Conference of Hampton University; the Empire Convention of New York State and the National Baptist Convention; a member of the American Baptist Churches Metropolitan New York and served as "Area Minister of Queens" under the Reverend Carl E. Flemister, then Regional Executive Minister. After 47 years of Pastoral Ministry, on May 25, 2008, Reverend Walter A. Jones, Sr. retired as Senior Pastor and officially became Pastor Emeritus of the Majority Baptist Church.

Doris Jones was a member of Majority Baptist Church for 55 years. She was a member of the Missionary Circle, South Carolina, North Carolina and Virginia Ministry, Willing Workers, Nurses Unit, Sunday School Dept. and Women's Fellowship. She was a "Block Watcher" and also served as Den Mother for Troop #279.

### **Section 32. Margie Boyd Way**

Introduced by Council Member Miller

March 7, 1924 – June 29, 2017

Margie Boyd was the Co-Pastor and First Lady of the New Greater Bethel Ministries located in Queens, New York. She served as the head of the Bethel Christian School, the food pantries and the Women's Department where she worked with over 2,300 young women daily. She was also a member of many civic



organizations, worked closely with Community Boards and was the founder of the annual Give Back to the Community Day, where she would give the community clothing, food, music and other services.

### **Section 33. Rev. Julius & Mother Coreania Carter Way**

Introduced by Council Member Miller

Coreania Hayman Carter (March 5, 1916 – October 14, 2014) taught at Daniel Payne College, in Alabama and Dunbar Middle School in Tucson Arizona. While an educator, she had a passion for music. She possessed a profound lyric soprano voice and was asked to perform throughout the country. She was eventually asked to join the Porgy and Bess Broadway Production, with whom she traveled extensively to over 45 different countries. Afterwards, she starred as Cindy Lou in the opera Carmen Jones. Despite her love for music, she decided to retire from singing and traveling to assist her husband in ministry. In 1940, she met Rev. Julius Ceasar Carter and in 1945, they married. In 1946, Rev Carter rejoined active duty in the military. At that time, Mrs. Carter was directing the choir at Allen AME Church, Jamaica. Those members impressed upon Mrs. Carter to ask Rev. Carter to organize a church and be its pastor and Carter Community AME Church was founded with the first services being held in Crowe Funeral Home in 1947. Many of the members were Broadway and professional musicians and performers. By 1947, Rev. Carter located a white frame building on Linden Blvd, moved the church to its first official church building location, and had their first worship service in August 1948. That building was destroyed by fire in 1952 and in 1964, they broke ground and erected a new church and senior citizen complex on the same site, where Carter Community AME Church resides. While Rev. Carter was away serving his country, Mrs. Carter held the church together, including buying bricks for the facing of the building and also jumping on oil trucks to bring oil to keep the church warm for service. In 1965, the first senior citizen complex of its kind in the state of NY was completed and was dedicated. Mrs. Carter was involved in many church ministries. Mrs. Carter organized the Bertha Faithful Missionary Society at Carter Community and served as its first president and as adviser until the end. She also was president of the AME Ministers Wives and Widows Alliance, president of the NY Interdenominational Association of Ministers Wives and Widows Alliance, Corresponding secretary of NY State and taught at the International Convention for eleven years. She is a life member of the AME Missionary Society and a life member of the International Association of Missionaries.

### **Section 34. Melody Anne-Simone Edwards Way**

Introduced by Council Member Miller

October 18, 1999 – April 23, 2017

Melody Anne-Simone Edwards was killed in a tragic Queens Village house fire during a visit to a friend's home to tutor one of the children living there. The Melody Anne-Simone Edwards Scholarship was set up in commemoration of her determination and unyielding desire for higher education. Under the program, two \$500 scholarships will be awarded to seniors attending a college.

### **Section 35. Hopkins Way**

Introduced by Council Member Miller

August 4, 1934 - September 5, 2008

Novell Hopkins came to New York City in 1953 to marry her high school sweetheart upon his return from the battlefield in Korea. She helped him raise their three children while attending night school for nearly ten years before earning her Bachelor's in Sociology at CUNY Hunter College. She later joined FDNY where she became Deputy Director of Civilian Personnel, and assisted the Department with both hiring and promoting fellow women and minorities. She was also an active block association, civic group, and church committee meeting participant. During the 1968 teacher strike in New York City, she was pivotal in keeping Junior High School 231 open by getting parents to work with teachers and remain in the building overnight so that the

building would not be closed. This led to classes that were conducted by largely African-American teachers who encouraged the students to attend school notwithstanding the strike. She was the Founder and Vice President of Neighborhood Block Association for Springfield Gardens where she arranged for traffic relief in residential streets by preventing heavy commercial vehicles from using secondary streets and the posting of no truck signs and also arranged for the planting of trees by the city throughout Springfield Gardens. She was the recipient of a Public Service Achievement award from Women in Government 1987 and received the Excellence in Service Award from the New York City Fire Department 1988.

### **Section 36. Nicholas Pennetti Way**

Introduced by Council Member Moya

Nicholas Pennetti was a beloved member of the Corona community who served in World War II with the United States Army. After the war, he became very active in his community. He was a leader in his parish, Saint Leo's, and a president of the Holy Name Society and the Golden Age Club. He served as president of the Parish Ushers and was the leader of the Corona Volunteer Ambulance Corp where he was on call twenty-four hours to ensure the safety of his community. He also served on the Community Board 3 for many years.

### **Section 37. Five Percenters Allah & Justice Square**

Introduced by Council Member Perkins

"Allah, The Father" was named Clarence Edward Smith and born in Virginia and later moved to Harlem in 1946. "Justice" was named James Howard and was born in Harlem. He later became a merchant Marine during the 1940's and 50's gaining valuable world experience. In 1959, Clarence joined the Nation of Islam's (NOI) Mosque #7, which was headed by Minister Malcom X. While studying under Malcom X, he was known as Clarence 13X, being the 13<sup>th</sup> man named Clarence to join the organization. In the early 1960's, Justice and Allah the Father met and joined forces and focused on educating inner-city youth. On October 10, 1964, to distinguish their new youth movement from the Nation of Islam while standing in front of 200 West 127<sup>th</sup> Street, they announced that their fledging group would become known as The Five Percenters. The Five Percenters were spreading the teachings beyond Harlem and formed alliances with former Mayor John V. Lindsay and other elected officials. In April 1967, The Five Percenters conducted their first monthly parliament at Central Harlem's Mount Morris Park. In June of that year, the Urban League turned over property the City recently acquired. The Allah School of Mecca has been a landmark institution that has educated thousands of young African-Americans in Harlem. On June 13, 1969, Allah, The Father was assassinated, however Justice continued guiding the youth for several years until his passing in July 1978.

### **Section 38. Dr. Yosef ben-Jochannan Way**

Introduced by Council Member Perkins

December 31, 1918 – March 19, 2015

Dr. Yosef (Johannes) Ben-Jochannan was a prolific writer and author who wrote and published 49 books and papers that documented his findings challenging popular and often derogatory notions of Africa and its people. He was a world traveler and his frequent trips to Egypt and the Nile Valley provided direct access to people, monuments, sacred texts and primary documents that he used to challenge derogatory notions. He led many excursions to the Mother Land allowing thousands of students, teachers, professors, scholars, activists and the common man to the Nile Valley to witness for themselves what he had seen and learned about African people. He is better known works are *Black Man of the Nile*, *African Origins of the Major Western Religions and Africa*, *Mother of Western Civilization*. Dr. Ben's central themes in all of his lectures were the majesty of the woman through ancient and modern times and the primary contribution of Nile civilizations in history. He is recognized as the last of a distinguished list of Black Scholars who devoted their lives to the study of ancient Africa. He partnered with Professor George Simmons and founded Alkebu-Ian Foundation in Harlem, located

on Adam Clayton Powell, Jr. Boulevard for many years and later with Gil Noble Television journalist and host of *"Like It Is"* on national television. He collaborated and worked closely with Minister Farrakhan, the Reverend Al Sharpton, Sister Kefa and Brother Bill Jones of the First World Alliance and a host of many others. Dr. Ben often referred to Dr. John Henrick Clarke as his brother. He founded/co-founded and inspired the creation of several organizations which included the Africana Studies Department of City College in New York City, African Nationalist in America (ANIA), The Blue Nile, The Craft and Association for the Study of Classical African Civilizations (ASCAP) to name a few. He held various executive and prominent positions in several premiere organizations, schools, boards and artistic programs. Together, Dr. Ben with George Simmons published many of his early works through the Alkebu-Ian Foundation in Harlem. He will be remembered as a brilliant historian, committed to the uplifting and enlightenment of the global African Community. He will also be remembered as charismatic, with an enormous sense of humor. He began his journey on the corner of 125th Street and Adam Clayton Powell, Jr. Boulevard in Harlem, in front of the famed Theresa Hotel, where he lectured to all who were willing to listen and captured the curiosity of those who just happened to hear his word as they passed by. They were always certain to come back for another lesson, and he worked with Harlem's youth through HARYOU ACT in 1967. He worked as adjunct Professor (1973-1987) at Cornell University in the Africana Studies and Research Center and lectured at all if not most of New York City's institutions of higher learning. He did not exclude kindergarten to 12th grades or even Senior Centers. He could be seen on many occasions leaving commencement exercises where he was a guest speaker. He often was heard saying, "no ear is too young or aged to hear the truth about our African Heritage". He also taught at Malcolm King College, City College and Rutgers University. Dr. Ben held an honorary faculty position with the Rabbinical Academy at Beth Shalom Ethiopian Hebrew Congregation in Brooklyn. Dr. Ben, a polyglot, taught in Aswan, many African countries and lectured throughout Europe.

### **Section 39. William Atmore Byrd, Sr. Place**

Introduced by Council Member Perkins

January 19, 1927 – December 17, 2000

William Atmore Byrd, Sr. served in the United States Army as a private during WWII and later became the founder and former president of the 131<sup>st</sup> Street Block Association. He established numerous extra-curricular activities for children around 131<sup>st</sup> Street, including the Cadets Program, the Byrd's Classics Basketball Team, the Vikings Football Team, the Harlem Stomp Troopers, the Youth Tenant Patrol and the Devil's Baseball Team. He was a strong advocate for African-American rights and initiated a petition with Howard Bennett and Julian Bond, resulting in over two million signatures, which eventually lead to the United States Congress to declare Martin Luther King, Jr. Day a federal holiday. He started a summer youth employment program, as well as a breakfast and lunch program for children and adolescents. He also helped in the formation of the Saint Nicholas Houses Tenant Patrol, and supported the Stuyvesant Association of the Deaf for many years.

### **Section 40. Angelo M. Falcón Way**

Introduced by Council Member Reynoso

June 23, 1951 – May 24, 2018

Angelo M. Falcon was the founder of the National Institute for Latino Policy, known for fastidious research and for a weekly newsletter with harsh criticism at those who were lacking on their commitments to Latinos. He presented elected officials with detailed reports on poverty rates, education stats and Latino participation civil service jobs to show disparities. After watching a WWII documentary before it was shown on PBS stations, he joined a group of activists in complaining the film had left out contributions of Hispanic soldiers. They persuaded PBS to make changes to the documentary so that Latinos were represented. He organized protests against CNN anchor because of his positions on immigration which bothers Latino activists. Dobbs eventually left the network. He co-authored several books about the history of Latinos in New York and his data work on redistricting in the early 1990's helped forge a path for politicians of color to be elected to

Congress. As a child, he led a fight at his public school for Puerto Ricans to be able to take the Brooklyn Technical High School entrance exam, with him becoming the only one admitted. He also wrote a report in 2016 on Mayor de Blasio's administration which argued that the percentage of city posts that went to non-Hispanic white people had actually grown during the mayor's first two years in office.

#### **Section 41. Ramon Raimundi Way**

Introduced by Council Member Reynoso  
February 15, 1931 – November 29, 2017

Ramon Raimundi was drafted by the United States Army in 1953 to fight in the Korean War. He served overseas in Hokkaido, Japan for two years before he was Honorably Discharged in 1955. He was a community activist who stood up for Puerto Ricans and other minorities who were facing discrimination. His focused on Health and Education and managed to open doors for Puerto Ricans and African-Americans enabling them to integrate the hospital advisory boards and hospital administrations. Up until this time, the boards were mostly comprised of individuals who did not reflect the composition of the areas they served. He helped to provide quality health care to people of North Brooklyn. He was appointed to the Greenpoint Hospital board in 1965 until 1996. He was recognized by former Governor Hugh Carey who appointed him to the newly formed New York State Commission for the mentally disabled for four years and former Governor Mario Cuomo appointed him to the New York Office of Mental Retardation and Development Disabilities, where he served as president of the Board of Visitors for the Brooklyn Development Services office. He was appointed to the New York Commission on Human Rights and dealt with investigations in the areas of housing, public accommodations, immigration and red lining discrimination that included random acts of violence against minorities and women. He organized block and tenant organizations to combat discrimination and crime. He also served as Vice Chairperson of School District #14 for two years and also served as a member to the Advisory Board of the Miriam Haim Senior Center.

#### **Section 42. Rev. Dr. Freddie Brunswick Sr. Way**

Introduced by Council Member Richards  
September 27, 1927 – February 27, 2018

Rev. Freddie Brunswick was born in Jacksonville, Florida. He was drafted into the United States Military and served until 1949. After having attended the National Baptist Convention in New York City, he moved to Harlem, New York in 1951 and joined the Southern Baptist Church where he preached his trial sermon under the leadership of Rev. C. B. Wilson. His ministry pursuits led him to the Mount Nebo Baptist Church where he was ordained to Christian Ministry. His zeal to give the Lord the best of his service, caused Rev. Brunswick to enhance his religious education through the Union Theological Seminary. Early in his ministry, he was called to pastor the Mt. Cellar Baptist Church in Harlem, it was there he met and married the former Shirley Edmonds. He was later called to pastor the Mt. Zion Baptist Church in Jamaica, New York. In September 1964, the Lord led Pastor Brunswick to organize along with several others, the Salem Missionary Baptist Church, where he served as the Pastor and Founder for over 42 years. Pastor Brunswick has served the church and community well. He has led many community actions that have benefitted the Queens residents and continues to be active in public and denominational affairs and has had the distinction of being the Senior Baptist Pastor in Queens. He maintained friendships with many Civil Rights Movement leaders, including Rev. Jesse Jackson, Rev. Al Sharpton, Rev. Dr. Wyatt T. Walker, among others. Throughout his ministry, he participated and led several marches, protests, sit-ins, and community actions. Notably, his efforts led to maintaining the campus of York College in its current location as a benefit to the Southeast Jamaica community and the development and sustaining of the Springfield Gardens Civic Association. He was a mentor to countless Baptist ministers throughout the United States and was known throughout the National Baptist Convention, Empire Missionary Baptist State Convention and Eastern Baptist Association as "Uncle Freddie." He participated in numerous ordination councils, seminars, workshops and training sessions for new ministers and pastors. He was the former President of the Sunday School and Baptist Training Union (BTU)

Department, served as the Chairman of the Trustee Board of the Eastern Baptist Association and was the former President of the Baptist Ministers Conference of Queens, NY. He served for several years as the Musical Director for the Baptist Ministers of New York City and Vicinity and was a member of numerous organizations and received many awards, plaques, and citations for his many years of service and dedication to the Christian Community. In 2006, he received an honorary Doctor of Divinity degree from the New Freedom Bible College which recognized his long service to both the church and community.

### **Section 43. Leroy Jackson Way**

Introduced by Council Member Richards

Leroy Jackson was a community activist and Co-President of the 228<sup>th</sup> Street Block Association. He was a caretaker and landscaper of the five block-long center isles along 228<sup>th</sup> Street from 134<sup>th</sup> Avenue to 137<sup>th</sup> Avenue in Laurelton. He was a certified Tai Chi instructor and organizer of a community health and exercise program. While maintaining the five block-long center islands along 228<sup>th</sup> Street, he used his own personal funds to purchase “Please Curb Your Dog” signs for the center isles. He was active in the removal of unsightly clothing bins that defaced the community, which made the sidewalks safer for pedestrians. He organized and conducted Tai Chi classes in the New Dawn Program at the Robert Couche Center. The program was open to all senior members of the Laurelton community, which provided both exercise and nutrition classes. He conducted this program for over 15 years and the program continues today. He also received several awards for his service to the Laurelton and Jamaica communities. He received the Community Service Award from Rochdale Village Recreational Organization for his work with the Little League, he was awarded Best Coach of the Year Award for the Rochdale Little League where he served as the Coach for the next 10 years, the longest in the little league history, he received the Community Service Award from the Federated Blocks of Laurelton for his work with the Community Computers Program where he set up computers and taught basic computer skills like typing for those who did not own computers, the Robert Couche Senior Center awarded him the Outstanding Volunteer Certificate for his work with the Nutrition and Fitness Program he started there at the senior center, he received the NYPD Model Block Award for Community Service from then Mayor Rudy Giuliani and became one of the founding sponsors for the National Memorial for the Dr. Martin Luther King Union.

### **Section 44. Rabbi Raphael “Ralph” Pelcovitz Way**

Introduced by Council Member Richards

October 13, 1921 – March 2018

Rabbi Raphael “Ralph” Pelcovitz moved to Far Rockaway in 1951 and dedicated over 60 years of service to the community. He took up the pulpit at the White Shul while teaching at Torah Vodaath and writing books on the Sforno’s commentaries. He helped build an infrastructure of Jewish Day Schools, Yeshivas, summer camps and other religious and social services. Rabbi Ralph Pelcovitz was Rabbi and Rabbi Emeritus of the same congregation for 65 years. He was well respected by generations of members of the largest synagogue in the Rockaways. He never faltered or tired of helping and teaching people. He inspired thousands to move to, and live in, Far Rockaway by building an infrastructure of schools, yeshivas, kosher supervision, charities and other Jewish institutions. He was one of the first American born, college-educated, Orthodox rabbis. His ability to speak and teach rivetingly in both Yiddish (to the immigrant generation) and English (to second and third generation Americans) made him exceedingly unique. In that regard, he was a “spokesperson” for Jews living in 20<sup>th</sup> century America, and was often a guest speaker on various local radio shows as a teacher or to provide commentary on communal issues of the day. He published numerous scholarly articles and books in easy, accessible English. He wrote the first and most definitive English translation of the Bible commentary of Rabbi Obadiah Seforno – a 15<sup>th</sup> century Italian scholar. He was an outspoken proponent of education and social programming for youth, including NCSY and Torah U’Mesorah, and he was instrumental in building numerous schools providing Jewish education. He was devoted to the welfare and growth of the Rockaways, even during economic downturns, and was even involved in helping bring the “A train” to Far Rockaway. He

was well respected by local politicians and members of the local police precinct and was honored by the Orthodox Union, one of the largest American-Jewish organizations, in 2008 for his more than 50 years of leadership. He was also a member of the Orthodox Union's Board of Directors, was a former president of the Rabbinical Alliance of America and was honored by countless schools and charitable organizations for his leadership.

#### **Section 45. Fred Bass Way**

Introduced by Council Member Rivera

June 28, 1928 - January 3, 2018

Fred Bass began working at the Strand bookstore, founded by his father when he was 13 years-old. He was drafted into the United States Army in 1950 and served two years. In 1956, he became manager of the store and moved the location of the store to Broadway at 12th Street. Over the years, the store took over the entire first floor and expanded to the top three floors and adding an antiquarian department. By 1997, the Strand became the largest used-book store in the world with over 2.5 million books. He introduced a number of innovations with establishing satellite Strands in kiosks outside the entrance to Central Park on Fifth Avenue at Grand Army Plaza and downtown in the South Street Seaport. He also created a literary quiz for prospective Strand employees to complete when filling out a job application to see who had any knowledge of books. He donated regularly to the Fresh Air Fund, God's Love We Deliver, Boystown of Italy and of Jerusalem, the Dole Fund, the Robin Hood Foundation at 826 Broadway and Calvary Hospital.

#### **Section 46. Hector Rivera Way**

Introduced by Council Member Rodriguez

June 13, 1957 – July 24, 2005

Hector Jose Rivera was born in Yamasa, Dominican Republic and developed an interest in literature and poetry at an early age. In 1975, he moved to New York City and attended Hostos Community College receiving his associate's degree in Liberal Arts. He later transferred to City College of New York where he focused in Sociology. He later became the founder of poetic groups like the Terpsicore and Nuevo Suerco that focused on expressing their voice for social change of those who had been oppressed. One of his known pieces is, "Los emigrantes del siglo" that provides an in depth sense of melancholy that they sustained throughout their time away from their native country. His poems such as: "Biografia del silencio", "Giros del tiempo", and "Poemas no communes para matar la muerte," connected to the grieving he was going through as a result of not being in his home country. The love for his country is what led him to write poems and stand up for those who did not have a voice.

#### **Section 47. Carlos Cooks Way**

Introduced by Council Member Rodriguez

June 23, 1913 - May 5, 1966

During the 1940's until the 1960's, Carlos Cook was under the mentorship of Marcus Garvey. He intended to create a change in Harlem by advocating for the ideology of Marcus Garvey. He founded the African Nationalist Pioneer Movement in which the core beliefs consisted of Marcus Garvey's idea of reclamation and endorsement of the black community in Harlem. He also founded the first so-titled African Nationalist organization and gave lectures on Africanism for over 20 years. He was included in the New York Age newspapers and described as part of the advance division of the Universal Negro Improvement Association. Cook's ambitions would push him to dreams of creating programs inside a Marcus Garvey Memorial Building that would benefit the Harlem community, unfortunately with push back from the City of New York, his programs would be stopped and the memorial demolished before its completion. Before his passing, he managed to influence many known leaders like Charles Kenyatta, Ed "porkchop" Davis, and Malcolm X.

**Section 48. Pedro Rafael Landestoy Duluc Way**

Introduced by Council Member Rodriguez

August 16, 1925 – July 17, 2018

Pedro Rafael Landestoy Duluc was born in La Romana and he studied at the National Conservatory of Music of Santo Domingo. His first piece of music for piano was composed when he was 20 years-old. His music has been interpreted by many musicians of international recognition. Among them, are Rafael Scarfullery, Francisco Roldán and María de Fátima Gerales. He wrote over 100 songs in the pop genre, gaining international recognition as a composer in the 1950's after escaping the dictatorship of Trujillo and traveling to Mexico and Venezuela. His music has been performed and recorded by many great Latin American singers, including Celia Cruz, Toña la Negra, Alberto Beltrán, and Vicentico Valdés. At the end of the 1950's, he moved to New York, where he performed as a pianist in various musical groups, including the Lecuona Cuban Boys, directed by the great Ernesto Lecuona. He went to Puerto Rico in 1962 to join the monastery of San Antonio Abad and returned to New York in 1977.

**Section 49. San Romero de América**

Introduced by Council Member Rodriguez

August 15, 1917 – March 24, 1980

Bishop Arnulfo Romero was ordained in April 1942. He spoke against poverty, social injustice, assassinations and torture in El Salvador. He was a popular preacher who responded with real compassion to the plight of the poor. For 25 years, he gave dedicated pastoral service to the diocese of San Miguel. He was assassinated while offering Mass in the chapel of the Hospital of Divine Providence. Thirty-five years later, he was declared a martyr of the Church, killed out of hatred of the faith and was beatified on May 23, 2015.

**Section 50. Carmen Georgina Acosta-Cruz Way**

Introduced by Council Member Rodriguez

Carmen was born in Santo Domingo, Dominican Republic immigrating with her to New York City in 1965. Carmen Georgina was a dedicated, ambitious and forthcoming community activist. Carmen had an innate ability to lead in critical times and a steadfast dedication in the face of challenges. After graduating first in her class from Mother Cabrini High School, Carmen earned a Bachelor's degree in Nuclear Engineering from City College & a Bachelor's degree in Labor Laws from Queens College. Carmen worked spiritedly to advocate for education, activism and collaboration. Carmen was a tireless, unwavering community activist whose words and commitment evolved in achievements. Professional Memberships and Affiliations: Carmen served as president of the Asociación de Mujeres Progresistas, launching two programs that were very close to her heart: Play Street and Dance Exercise. Carmen served as labor activist for the 1199SEIU with honor, compassion and integrity. Carmen was an active member of the People Health Movement—a worldwide network of grassroots health care activists. Carmen was an active member of the Organización Dominicana por la Salud—bringing medication/medical equipment to the underprivileged population. Carmen was a pioneer in the struggle for Rights Equality: for men and women regardless of their sexual orientation. Carmen was a committed activist and advocate for LGTB: Marriage Equality Campaign.

**Section 51. Social Activist Charles K. Smith Way**

Introduced by Council Member Rose

November 28, 2011 – June 17, 1989

Charles K. Smith served as the assistant director of the PAL, Rasmussen Center, assistant director of the PS 18 community center, Boy Scout Master, Troop 33, a Deacon at St. Philips Baptist Church and an assistant to Borough President Ralph Lamberti. He also organized and coached several baseball teams for youths and

was the administrator of the NYC Anti-Poverty Program. There is a Charles K. Smith Scholarship Fund at St. Philips, which provides monies for high school graduates entering an accredited college or university.

### **Section 52. Jody Haggerty Way**

Introduced by Council Member Rose

November 15, 1948 – April 28, 2016

Jody Haggerty was known for his charity and hospitality. He owned Jody's Club Forest for over 40 years, a bar restaurant that served as headquarters for Staten Island's St. Patrick's Day Parade, an event at which he served as Grand Marshall, the original Pepper Martin Run and numerous local political meetings. He was a member of the North Shore Kiwanis Club and the Jacques Committee, the Silver Lakes Men's Club, the Ancient Order of Hibernians and he ran the Jody Junior Golf Tournament. He supported the Snug Harbor Little League, Our Lady of Good Counsel Parish, St. Peter's High School, North Shore Rotary and Staten Island Junior Golf. He was a parishioner of Our Lady of Good Counsel coached baseball, basketball and track at Our Lady of Good Council. He also coached golf at St. Peter's High School from 1996 until 2006. As president of his college fraternity, he also helped organize numerous junior golf tournaments on Staten Island.

### **Section 53. Bandleader William "Bill" Hughes Way**

Introduced by Council Member Rose

March 28, 1930 – January 14, 2018

William H. "Bill" Hughes was the bandleader, director and played trombone in the legendary Count Basie Orchestra. He joined the orchestra in 1953 and later became bandleader in 2003 after the death of Grover Mitchell. He traveled the world, entertaining crowds at famous festivals and venues and performing for royal families. He also performed and recorded with Tony Bennett, Rosemary Clooney, Billie Holiday, Nat King Cole, Sammy Davis Jr., Bill Eckstine, Frank Sinatra, Sarah Vaughn, Ella Fitzgerald and Joe Williams.

### **Section 54. New York Poet Laureate Audre Lorde Way**

Introduced by Council Member Rose

February 18, 1934 – November 17, 1992

Audre Lorde was an African-American writer, feminist and civil rights activist. From the publication of her first book in 1968, her 17 volumes of poetry, essays and autobiography reflected her hatred of racial and sexual prejudice. A collection of essays, "A Burst of Light," won an American Book Award in 1989 and her 1973 collection, "From a Land Where Other People Live," was nominated for a National Book Award. She was born in Manhattan and graduated from Hunter College and the Columbia University School of Library Science. In the 1980's, Lorde and writer Barbara Smith founded Kitchen Table: Women of Color Press. She also was a founding member of Sisters in Support of Sisters in South Africa, an organization that worked to raise concerns about women under apartheid.

### **Section 55. Wu-Tang Clan District**

Introduced by Council Member Rose

The Wu-Tang Clan is an American hip-hop group from Staten Island consisting of rappers, RZA, GZA, Ol' Dirty Bastard, Method Man, Raekwon, Ghostface Killah, Inspectah Deck, U-God and Masta Killa. They released four gold and platinum studio albums, including the album "Enter the Wu-Tang (36 Chambers)," which is considered one of the greatest albums in hip-hop history. They are also considered one of the greatest rap groups of all time by many critics.



**Section 56. Beulah E. Sanders Way**

Introduced by Council Member Rosenthal

Beulah Sanders was a relentless advocate for welfare recipients' rights. Born in North Carolina, she moved to New York City at age 22 in 1957. She was a founding member of the National Welfare Rights Organization (NWRO) and was elected as its chair multiple times. She served as a voice for her family, her community and every poor mother throughout the United States. During the Nixon administration, she and the NWRO were active in the face of new federal work requirements for welfare in the form of the Family Assistance Plan. During its time in Congress, she fought to get the voices of those on welfare, particularly those of urban mothers, heard to the senate committee members in charge of the legislation. The NWRO served as an incredibly powerful advocate for poor women and children to be collectively heard in government. Sander's tenure as chair of the NWRO coincided with one of the most active points of the NWRO's existence as many conservatives looked to further restrict the extent of welfare within the United States. In New York City, she led a march of nearly 2,000 mothers through the rain to demand the city's welfare commissioner provide the long awaited clothing vouchers for children before the school year started. In 1967, when the clothing grants had stalled, she directly confronted Mayor John Lindsay with a press conference and occupation of the steps of City Hall. With these marches, she was able to garner significant media attention and use the newfound momentum to help launch the NWRO. With support from labor groups, tenants organizations and anti-Vietnam activists, as well as a strong source of funding in the Community Action Program, she helped build and eventually became the chair of the largest welfare rights group throughout the entire United States with over 100,000 members. She also attended numerous international peace conferences in war torn parts of the world, such as Vietnam. In 1968, she became an educative force to Dr. Martin Luther King, Jr. and along with the NWRO, provided him and his associates with a basic understanding of the welfare system. Welfare reform quickly became an integral part in the Poor People's Campaign spearheaded by Dr. Martin Luther King, Jr. and provided a strong link between the civil rights and anti-poverty movements. Her activism continued until her death in 1984 and provided a platform from which many more marginalized women and children have had a voice both locally and nationally.

**Section 57. Sesame Street**

Introduced by Council Member Rosenthal

Sesame Street debuted in 1969 and has been reaching and teaching children ever since. Sesame Workshop serves vulnerable children through a wide range of media, formal education and philanthropically funded social impact programs. Sesame Street will be turning 50 in 2019 and this co-naming will commemorate that. This is the location where Sesame Street's offices are at 1 Lincoln Plaza.

**Section 58. Fannie Lou Hamer Street**

Introduced by Council Member Salamanca, Jr.  
October 6, 1917 – March 14, 1977

Fannie Lou Hamer was an African-American civil rights activist who led voting drives and co-founded the Mississippi Freedom Democratic Party. She became very involved with the Student Non-Violent Coordinating Committee in 1962, where she led voting drives and in 1964, she co-founded and ran for Congress as a member of the Mississippi Freedom Democratic Party, which drew national attention to their cause that year at the Democratic Convention. During her civil rights efforts, she was threatened, arrested, assaulted and fired at. She also set up organizations to increase business opportunities for minorities and helped establish childcare and other family services. She helped establish the National Women's Political Caucus in 1971.

### **Section 59. Mother Arnetta Crawford Way**

Introduced by Council Member Salamanca, Jr.

Mother Arnetta Crawford was born in Evergreen, Alabama and was educated in the Conecuh County school system. She relocated to New York City to continue her education and pursue her dreams. In the Bronx, she met and married the late Reverend Dr. Fletcher C. Crawford, Pastor Emeritus and had four children. She was the leading Lady of Union Grove Missionary Baptist Church for over forty-four years and organized the Rosebud Children's Choir. Through the Rosebud Choir, she taught hundreds of children over four decades. She was an advocate for education and invested in the schooling of Union Grove Missionary Baptist Church (U.G.M.B.C.) students with words of wisdom, encouragement and love, as well as financial support. The Mother Arnetta Crawford Scholarship, a scholarship set up in her name, continues to provide financial assistance for college students to this day. Many students who participated in the scholarship program have gone on to become productive citizens of the community. Her concern for the health and well-being for women inspired her to organize the U.G.M.B.C. Women of Excellence Ministry. Women throughout the metropolitan area and along the east coast come together regularly to partake in workshops and conferences advocating for women's issues.

### **Section 60. Dwayne "The Pearl" Washington Way**

Introduced by Council Member Ampry-Samuel

January 6, 1964 – April 20, 2016

Dwayne "The Pearl" Washington grew up in Brooklyn and later excelled in basketball at Boys and Girls High School in Brooklyn where he became the most sought-after recruit in 1983. He went on to become a point guard at Syracuse where he made a 45-foot shot at the buzzer to give the Orange a 75-73 win over Boston College and earned All-America recognition at Syracuse from 1984 through 1986. He was named first All-Big East twice and was the conference's tournament most valuable player in 1985. He led the team in assists and steals during each of his three seasons and had a record of 71-24 while he was on the team. He was the No. 13 overall NBA draft pick by the New Jersey Nets and played two seasons with them before playing his final season in the NBA with the Miami Heat in 1988-89. Throughout his NBA career, he had 256 steals and 733 assists in 194 games. His number 31 jersey was retired by Syracuse on March 2, 1996 where he ranked in Syracuse's top five in career steals with 220 steals and 637 assists. On March 12, 2016, the community proclaimed that day as Dwayne "The Pearl" Washington Day in Brooklyn.

### **Section 61. Bishop Landon E. Penn Way**

Introduced by Council Member Ampry-Samuel

March 2, 1933 – October 8, 2011

Bishop Landon E. Penn founded the Universal Temple Church of God in Crown Heights in 1969. He served as a liaison between the Crown Heights community and the NYPD and founded public housing and drug prevention programs and provided food and clothing for the homeless. He served as president of the 73<sup>rd</sup> Precinct Clergy Council and a member of Community Board 16. He received numerous awards and citations for his service to the community, including a Lifetime of Good Citizenry from the New York State Assembly, Outstanding Leadership, Dedication to the Improvement of Life in the Community from the 55<sup>th</sup> Democratic Club, a proclamation from the Borough President regarding National Night Out Against Crime, Lifetime of Good Citizenry from the New York City Council, an honorary award in Recognition of Spiritual Leadership and a proclamation in Recognition of the Partnership Between Community Leaders and the New York City Police Department after 9/11. He also received the Honorary Man of the Year Award for Leadership and Community Service from the Federation of Multicultural Programs, a certificate of recognition for Outstanding and Invaluable Service to the Community from the US House of Representatives and a citation for Outstanding Contributions to the Citizens of Brooklyn from the Kings County District Attorney.

**Section 62. Junior Feliz Way**

Introduced by Council Member Torres  
November 11, 2002 – June 20, 2018

Lesandro Guzman-Feliz was killed in a gang-related incident that police believe Lesandro was mistakenly targeted. The suspects were members of the Los Sures set of the Trinitarios street gang who were going to attack another set of Trinitarios called Sunset. The suspects spotted Lesandro and began chasing him until they cornered him at a bodega and killed him. He was a member of the NYPD's Explorers Program, an organization that aims to teach teens and young adults the importance of self-discipline and furthering education through training and community service projects. The NYPD and the Police Foundation have set up a scholarship honoring Lesandro called the Lesandro Guzman-Feliz Memorial College Fund that provides two \$5,000 scholarships each year to members of the Explorers Program to be used toward tuition and school supplies upon enrollment in an accredited college.

**Section 63. Audie Trinidad Way**

Introduced by Council Member Torres  
Died July 6, 2018

Audie Trinidad was born and raised in the Philippines and later came to the United States in 1987. He enlisted in the United States Navy and served for seven years. He worked for the Postal Service in the Bronx and lived in Teaneck, New Jersey with his wife and four daughters. He volunteered at the Church of Saint Anastasia. He and his four daughters were killed in a car accident while coming home from a vacation.

**Section 64. Woody Guthrie Way**

Introduced by Council Member Treyger  
July 14, 1912 – October 3, 1967

Woodrow Wilson Guthrie was an American folk musician who wrote hundreds of songs, including "This Land Is Your Land," "So Long, It's Been Good to Know You," "Grand Coulee Dam," "I Ain't Got No Home" and "Dust Bowl Refugees." During the Great Depression, he lived on the road, hitchhiking and riding the rails across the West and Midwest singing songs to anyone who would listen. In 1934, he published his first book of original songs and shortly after, moved to Los Angeles where he hosted a radio show on KFVD. In 1940, he moved to New York where he performed on network radio, wrote a column for the Communist newspaper The People's Daily Worker, performed at strikes and rallies and recorded songs for the Folkways label. From 1943 until 1945, he was with the U.S. merchant marines in the United Kingdom, Italy and Africa. He died as a result of Huntington's Disease. He was inducted into the Rock and Roll Hall of Fame in 1988 and received a Grammy Lifetime Achievement Award in 2000.

**Section 65. Chief Ronald Spadafora Way**

Introduced by Council Member Ulrich  
July 8, 1954 – June 23, 2018

Ronald Spadafora was a 40-year veteran of the FDNY who supervised rescue and recovery efforts at Ground Zero and was the chief of safety for the entire 9/11 recovery operation. He died of 9/11 related illnesses.

**Section 66. Gertrude McDonald Way**

Introduced by Council Member Van Bramer

Died May 21, 2017

Gertrude McDonald was a long-time community activist who served on Community Board 2 for over 40 years and held positions at the 108<sup>th</sup> Precinct Community Council and the United Forties Civic Association. She was an active member at Sunnyside Community Services and helped pave the way for women in Queens politics until her passing at the age of 100 years old. In 1968, she was the first woman to run for elected office as a Democrat in Queens and though her campaign for a seat in the New York State Assembly was unsuccessful, she helped lay the foundation for other women to run for office and win.

**Section 67. Terri Mona Adams Way**

Introduced by Council Member Van Bramer

Died September 18, 2017

Terri Mona Adams was a lifelong Hunters Point resident and civic leader who served as president of the Hunters Point Community Development Corp. (HPCDC), a merchant group established in 1952. She was also a member of Community Board 2. She retired from the United States Navy in the 1980's as an operations supervisor. Under her leadership, HPCDC initiated an Easter Parade on Vernon Boulevard and an egg hunt and Easter Bonnet contest in John Andrews Playground. Halloween and Stop the Violence events were also held there under her leadership. She started the annual Hunters Point Community Unity event in 1995 and also worked with the 108<sup>th</sup> Precinct to combine Community Unity with National Night Out Against Crime. She organized the first Hunters Point Farmers Market and Hunters Point Eco-Friendly Flea Market on 48<sup>th</sup> Avenue in 2005. In addition, under her leadership, HPCDC started sponsoring Holiday Lights on Vernon Boulevard through contributions from local merchants and sponsored the annual Breakfast with Santa for Children at the Riverview Restaurant. She also served as president of St. Mary's Seniors.

**Section 68. Muhammad Ali Jinnah Way**

Introduced by Council Member Williams

December 25, 1876 – September 11, 1948

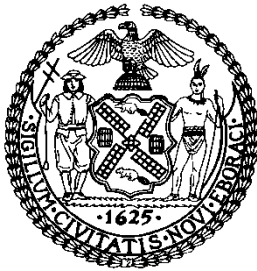
Muhammad Ali Jinnah was the founder and first governor-general of Pakistan. He studied at Bombay University and at Lincoln's Inn in London. He ran a successful legal practice in Bombay and was a member of the Indian National Congress, which was working for autonomy from British rule, when he joined the Muslim League in 1913. In 1916, he was elected president of the Muslim League, which represented the interests of Indian Muslims in a predominantly Hindu country. He resigned from the Indian National Congress in 1920, when the congress launched a movement of non-cooperation to boycott all aspects of British rule. After provincial elections in 1937, the congress refused to form coalition administrations with the Muslim League in mixed areas and relations between Hindus and Muslims began to deteriorate. In 1940, at a Muslim League session in Lahore, the first official demand was made for the partition of India and the creation of a Muslim state of Pakistan. While he had always believed that Hindu-Muslim unity was possible, he reluctantly came to the view that partition was necessary to safeguard the rights of Indian Muslims. His negotiations with the British government, resulted in the partition of India and the formation of the state of Pakistan on August 14, 1947.

**Section 69. The REPEAL of Sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of Local Law number 139 for the year 2018.** This section repeals Sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of local law number 139 for the year 2018.

**Section 70. The REPEAL of Section 24 of Local Law number 110 for the year 2017.** This section repeals Section 24 of Local Law number 110 for the year 2017.

**Section 71. The REPEAL of Sections 40 and 41 of Local Law number 237 for the year 2017.** This section repeals Sections 40 and 41 of Local Law number 237 for the year 2017.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1300:)**



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

**PROPOSED INTRO. NO: 1300 Pre-Considered  
COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law in relation to the naming of sixty-eight thoroughfares and public places.

**SPONSOR (S):** By Council Members Adams, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Jr., Cumbo, Diaz, Eugene, Gjonaj, Holden, King, Koslowitz, Lancman, Lander, Levin, Levine, Matteo, Miller, Moya, Perkins, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Jr., Ampry-Samuel, Torres, Treyger, Ulrich, Van Bramer and Williams

<b>New Name</b>	<b>Present Name</b>	<b>Limits</b>
Correction Officer Jonathan Narain Way	111th Street	Between Liberty Avenue and 107th Avenue
Frank Appice Way	None	At the intersection of Getz Avenue and Lamoka Avenue
Salvatore Micciulla Way	Kreisher Street	Between Androvette Street and Winant Place
Mafalda DiMango Way	None	At the intersection of 81st Street and 15th Avenue
Lawrence “Larry” Morrish Way	None	At the southeast corner of 101st Street and Fort Hamilton Parkway
Mill Street Synagogue/Seixas Way	None	At the intersection of South William Street and Coenties Alley
Loeser’s Deli Place	None	At the intersection of West 231st Street and Godwin Terrace
Chester Carlson Way	None	At the intersection of 37th Street and Broadway
Mount Everest Way	None	At the intersection of 75th Street and 31st Avenue
Fannie Pettie Watts Way	Decatur Street	Between Patchen Avenue and Malcom X Boulevard

Christopher Wallace Way	St. James Place	Between Fulton Street and Gates Avenue
Gerri Lamb Way	None	At the intersection of Randall Avenue and Castle Hill Avenue
2nd Lt. John N. Sekul Place	Newbold Avenue	Between Castle Hill Avenue and Havemeyer Avenue
Dr. Lamuel Stanislaus Way	Rutland Road	Between Flatbush Avenue and Bedford Avenue
Freemason Way	None	At the west side of Schofield Street and City Island Avenue
Police Officer Manuel (Manny) Vargas Way	Rhineland Avenue	Between Eastchester Road and Stillwell Avenue
Michele Muccio Way	St. Theresa Avenue	Between Edison Avenue and Mayflower Avenue
Father Yohanna T. Guirgis Way	Woodward Avenue	Between Grove Street and Linden Street
Rev. Dr. V. Seymour Cole Way	None	At the northeast corner of East 227th Street and Paulding Avenue
Adelaide Connaughton Way	None	At the north side of Queens Boulevard and 71st Road
Ramesh D. Kalicharran "Kali" Way	169th Street	Between Highland Avenue and Homelawn Street
JMC Way	168th Street	Between Highland Avenue and Gothic Drive
Giselle McGee Way	Carroll Street	Between Court Street and Smith Street
Kenneth Thompson Street	None	At the intersection of Myrtle Street and Jay Street
Marie Runyon Way	None	At the southeast corner of Amsterdam Avenue and Morningside Drive
Major Joseph R. Sciacca Way	None	At the intersection of Fremont Avenue and North Railroad Avenue
Chief of Detectives William Allee Way	None	At the intersection of Bascom Place and Collfield Avenue
Jacques Marchais Way	None	At the intersection of Lighthouse Avenue and Richmond Road
William J. Liell Way	None	At the corner of Foch Avenue and Lamport Boulevard
Zanu G. Simpson Way	None	At the southwest corner of 99th Avenue and Hollis Avenue
Rev. Walter A. & Doris L. Jones Way	None	At the northside of 115th Road and Farmers Boulevard
Margie Boyd Way	None	At the southeast corner of 219th Street and Linden Boulevard
Rev. Julius & Mother Coreania Carter Way	None	At the northeast corner of 167th Street and Linden Boulevard
Melody Anne-Simone Edwards Way	None	At the northeast corner of 118th Avenue and Springfield Boulevard
Hopkins Way	None	At the northwest corner of Pineville Lane and Merrick Boulevard
Nicholas Pennetti Way	None	At the intersection of 104th Street and Nicholls Avenue

Five Percenters Allah & Justice Square	None	At the northwest corner of 126th Street and Adam Clayton Powell Jr. Boulevard
Dr. Yosef ben-Jochannan Way	None	At the northeast corner of 125th Street and Adam Clayton Powell Jr. Boulevard
William Atmore Byrd, Sr. Place	None	At the intersection of West 131st Street and Frederick Douglass Boulevard
Angelo M. Falcón Way	Havemeyer Street	At the corner of South 1st Street and Havemeyer Street
Ramon Raimundi Way	None	At the intersection of South 2nd Street and Havemeyer Street
Rev. Dr. Freddie Brunswick Sr. Way	None	At the intersection of 140th Avenue and 180th Street
Leroy Jackson Way	None	At the intersection of 135th Avenue and 228th Street
Rabbi Raphael “Ralph” Pelcovitz Way	None	At the intersection of Empire Avenue and Sage Street
Fred Bass Way	None	at the northeast corner of Broadway and East 12th Street
Hector Rivera Way	None	At the intersection of Dykman Street and Sherman Avenue
Carlos Cooks Way	None	At the intersection of 166th Street and Broadway
Pedro Rafael Landestoy Duluc Way	None	At the intersection of 166th Street and Nicholas
San Romero de América	None	At the intersection of 179th Street and Fort Washington
Carmen Georgina Acosta-Cruz Way	None	At the northeast corner of Broadway and West 180th Street
Social Activist Charles K. Smith Way	None	At the northeast corner of Broadway and Castleton Avenue
Jody Haggerty Way	None	At the southeast corner of Forest Avenue and Oakland Avenue
Bandleader William “Bill” Hughes Way	None	At the northwest corner of Broadway and Castleton Avenue
New York Poet Laureate Audre Lorde Way	None	At the southeast corner of Victory Boulevard and St. Paul’s Avenue
Wu-Tang Clan District	None	At the southeast corner of Vanderbilt Avenue and Targee Street
Beulah E. Sanders Way	None	At the northwest corner of Columbus Avenue and West 92nd Street
Sesame Street	None	At the southeast corner of 63rd Street and Broadway
Fannie Lou Hamer Street	None	At the intersection of West Farms Road and 172nd Street
Mother Arnetta Crawford Way	None	At the intersection of 172nd Street and Vyse Avenue
Dwayne “The Pearl” Washington Way	None	At the intersection of Belmont Avenue and Mother Gaston Boulevard

Bishop Landon E. Penn Way	Eastern Parkway	Between Ralph Avenue and Howard Avenue
Junior Feliz Way	None	At the intersection of East 183rd Street and Bathgate Avenue
Audie Trinidad Way	None	At the intersection of East 188th Street and Washington Avenue
Woody Guthrie Way	Mermaid Avenue	Between West 35th Street and West 36th Street
Chief Ronald Spadafora Way	90th Street	Between Rockaway Boulevard and 101st Avenue
Gertrude McDonald Way	None	At the northeast corner of Queens Boulevard and 39th Street
Terri Mona Adams Way	None	At the intersection of 49th Avenue and Vernon Boulevard
Muhammad Ali Jinnah Way	Coney Island Avenue	Between Avenue C and Avenue H

In relation to the naming of 68 thoroughfares and public places, Correction Officer Jonathan Narain Way, Borough of Queens, Frank Appice Way, Borough of Staten Island, Salvatore Micciulla Way, Borough of Staten Island, Mafalda DiMango Way, Borough of Brooklyn, Lawrence “Larry” Morrish Way, Borough of Brooklyn, Mill Street Synagogue/Seixas Way, Borough of Manhattan, Loeser’s Deli Place, Borough of the Bronx, Chester Carlson Way, Borough of Queens, Mount Everest Way, Borough of Queens, Fannie Pettie Watts Way, Borough of Brooklyn, Christopher Wallace Way, Borough of Brooklyn, Gerri Lamb Way, Borough of the Bronx, 2<sup>nd</sup> Lt. John N. Sekul Place, Borough of the Bronx, Dr. Lamuel Stanislaus Way, Borough of Brooklyn, Freemason Way, Borough of the Bronx, Police Officer Manuel (Manny) Vargas Way, Borough of the Bronx, Michele Muccio Way, Borough of the Bronx, Father Yohanna T. Guirgis Way, Borough of Queens, Rev. Dr. V. Seymour Cole Way, Borough of the Bronx, Adelaide Connaughton Way, Borough of Queens, Ramesh D. Kalicharran “Kali” Way, Borough of Queens, JMC Way, Borough of Queens, Giselle McGee Way, Borough of Brooklyn, Kenneth Thompson Street, Borough of Brooklyn, Marie Runyon Way, Borough of Manhattan, Major Joseph R. Sciacca Way, Borough of Staten Island, Chief of Detectives William Allee Way, Borough of Staten Island, Jacques Marchais Way, Borough of Staten Island, William J. Liell Way, Borough of Staten Island, Zanu G. Simpson Way, Borough of Queens, Rev. Walter A. & Doris L. Jones Way, Borough of Queens, Margie Boyd Way, Borough of Queens, Rev. Julius & Mother Coreania Carter Way, Borough of Queens, Melody Anne-Simone Edwards Way, Borough of Queens, Hopkins Way, Borough of Queens, Nicholas Pennetti Way, Borough of Queens, Five Percenters Allah & Justice Square, Borough of Manhattan, Dr. Yosef ben-Jochannan Way, Borough of Manhattan, William Atmore Byrd, Sr. Place, Borough of Manhattan, Angelo M. Falcón Way, Borough of Brooklyn, Ramon Raimundi Way, Borough of Brooklyn, Rev. Dr. Freddie Brunswick Sr. Way, Borough of Queens, Leroy Jackson Way, Borough of Queens, Rabbi Raphael “Ralph” Pelcovitz Way, Borough of Queens, Fred Bass Way, Borough of Manhattan, Hector Rivera Way, Borough of Manhattan, Carlos Cooks Way, Borough of Manhattan, Pedro Rafael Landestoy Duluc Way, Borough of Manhattan, San Romero de América, Borough of Manhattan, Carmen Georgina Acosta-Cruz Way, Borough of Manhattan, Social Activist Charles K. Smith Way, Borough of Staten Island, Jody Haggerty Way, Borough of Staten Island, Bandleader William “Bill” Hughes Way, Borough of Staten Island, New York Poet Laureate Audre Lorde Way, Borough of Staten Island, Wu-Tang Clan District, Borough of Staten Island, Beulah E. Sanders Way, Borough of Manhattan, Sesame Street, Borough of Manhattan, Fannie Lou Hamer Street, Borough of the Bronx, Mother Arnetta Crawford Way, Borough of the Bronx, Dwayne “The Pearl” Washington Way, Borough of Brooklyn, Bishop Landon E. Penn Way, Borough of Brooklyn, Junior Feliz Way, Borough of the Bronx, Audie Trinidad Way, Borough of the Bronx, Woody Guthrie Way, Borough of Brooklyn, Chief Ronald Spadafora Way, Borough of Queens, Gertrude McDonald Way, Borough of Queens, Terri Mona Adams Way, Borough of Queens, Muhammad Ali Jinnah Way, Borough of Brooklyn and the repeal of sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of local law number 139 for the year 2018, section 24 of local law number 110 for the year 2017 and sections 40 and 41 of local law number 237 for the year 2017.



**SUMMARY OF LEGISLATION:** The proposed law would add, through the posting of additional signs, the following new street names:

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY19</b>
<b>Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>	<b>\$19,550</b>	<b>\$0</b>	<b>\$19,550</b>
<b>Net</b>	<b>\$19,550</b>	<b>\$0</b>	<b>\$19,550</b>

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

**IMPACT ON EXPENDITURES:** It is estimated that this legislation would require the installation of 68 new street signs. Each sign costing \$37.50 and the labor to install each sign costing \$250, for a total cost of \$287.50 each. As such, the total cost of enacting this legislation would be approximately \$19,550.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Monika Bujak Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation will be considered by the Committee on Parks and Recreation as a Pre-Considered Intro. on December 18, 2018. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on December 20, 2018.

**Fiscal Impact Schedule**

<b>New Name</b>	<b>Number of Signs</b>	<b>Cost</b>	<b>Installation (street signs only)</b>	<b>Total Cost</b>
Correction Officer Jonathan Narain Way	1	37.5	250	287.50
Frank Appice Way	1	37.5	250	287.50
Salvatore Micciulla Way	1	37.5	250	287.50
Mafalda DiMango Way	1	37.5	250	287.50
Lawrence “Larry” Morrish Way	1	37.5	250	287.50
Mill Street Synagogue/Seixas Way	1	37.5	250	287.50
Loeser’s Deli Place	1	37.5	250	287.50
Chester Carlson Way	1	37.5	250	287.50

Mount Everest Way	1	37.5	250	287.50
Fannie Pettie Watts Way	1	37.5	250	287.50
Christopher Wallace Way	1	37.5	250	287.50
Gerri Lamb Way	1	37.5	250	287.50
2nd Lt. John N. Sekul Place	1	37.5	250	287.50
Dr. Lamuel Stanislaus Way	1	37.5	250	287.50
Freemason Way	1	37.5	250	287.50
Police Officer Manuel (Manny) Vargas Way	1	37.5	250	287.50
Michele Muccio Way	1	37.5	250	287.50
Father Yohanna T. Guirgis Way	1	37.5	250	287.50
Rev. Dr. V. Seymour Cole Way	1	37.5	250	287.50
Adelaide Connaughton Way	1	37.5	250	287.50
Ramesh D. Kalicharran "Kali" Way	1	37.5	250	287.50
JMC Way	1	37.5	250	287.50
Giselle McGee Way	1	37.5	250	287.50
Kenneth Thompson Street	1	37.5	250	287.50
Marie Runyon Way	1	37.5	250	287.50
Major Joseph R. Sciacca Way	1	37.5	250	287.50
Chief of Detectives William Allee Way	1	37.5	250	287.50
Jacques Marchais Way	1	37.5	250	287.50
William J. Liell Way	1	37.5	250	287.50
Zanu G. Simpson Way	1	37.5	250	287.50
Rev. Walter A. & Doris L. Jones Way	1	37.5	250	287.50
Margie Boyd Way	1	37.5	250	287.50
Rev. Julius & Mother Coreania Carter Way	1	37.5	250	287.50
Melody Anne-Simone Edwards Way	1	37.5	250	287.50
Hopkins Way	1	37.5	250	287.50
Nicholas Pennetti Way	1	37.5	250	287.50
Five Percenters Allah & Justice Square	1	37.5	250	287.50
Dr. Yosef ben-Jochannan Way	1	37.5	250	287.50
William Atmore Byrd, Sr. Place	1	37.5	250	287.50
Angelo M. Falcón Way	1	37.5	250	287.50
Ramon Raimundi Way	1	37.5	250	287.50
Rev. Dr. Freddie Brunswick Sr. Way	1	37.5	250	287.50
Leroy Jackson Way	1	37.5	250	287.50
Rabbi Raphael "Ralph" Pelcovitz Way	1	37.5	250	287.50
Fred Bass Way	1	37.5	250	287.50
Hector Rivera Way	1	37.5	250	287.50
Carlos Cooks Way	1	37.5	250	287.50
Pedro Rafael Landestoy Duluc Way	1	37.5	250	287.50
San Romero de América	1	37.5	250	287.50

Carmen Georgina Acosta-Cruz Way	1	37.5	250	287.50
Social Activist Charles K. Smith Way	1	37.5	250	287.50
Jody Haggerty Way	1	37.5	250	287.50
Bandleader William "Bill" Hughes Way	1	37.5	250	287.50
New York Poet Laureate Audre Lorde Way	1	37.5	250	287.50
Wu-Tang Clan District	1	37.5	250	287.50
Beulah E. Sanders Way	1	37.5	250	287.50
Sesame Street	1	37.5	250	287.50
Fannie Lou Hamer Street	1	37.5	250	287.50
Mother Arnetta Crawford Way	1	37.5	250	287.50
Dwayne "The Pearl" Washington Way	1	37.5	250	287.50
Bishop Landon E. Penn Way	1	37.5	250	287.50
Junior Feliz Way	1	37.5	250	287.50
Audie Trinidad Way	1	37.5	250	287.50
Woody Guthrie Way	1	37.5	250	287.50
Chief Ronald Spadafora Way	1	37.5	250	287.50
Gertrude McDonald Way	1	37.5	250	287.50
Terri Mona Adams Way	1	37.5	250	287.50
Muhammad Ali Jinnah Way	1	37.5	250	287.50
<b>TOTAL</b>	<b>68</b>	<b>\$2,550</b>	<b>\$17,000</b>	<b>\$19,550</b>

*Accordingly, this Committee recommends its adoption.*

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

BARRY S. GRODENCHIK, *Chairperson*; JOSEPH C. BORELLI, ANDREW COHEN, ANDY L. KING, FRANCISCO P. MOYA, ERIC A. ULRICH, JAMES G. VAN BRAMER; Committee on Parks and Recreation, December 19, 2018.

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

## Report of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 1075-A

### Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law in relation to an organic waste curbside collection pilot program.

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed local law was referred on August 8, 2018 (Minutes, page 3266), respectfully

#### REPORTS:

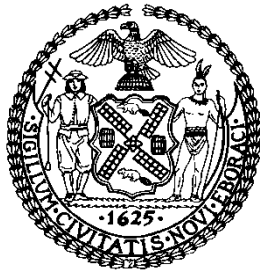
#### INTRODUCTION

On December 19, 2018, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, will hold a second hearing on Proposed Int. No. 1075-A, in relation to city agencies' organics collection. The Committee previously held a hearing on this bill on December 18, 2018, and received testimony from the New York City Department of Sanitation, advocacy organizations and interested members of the public. More information about this bill is available with the materials for that hearing, which can be accessed online at <https://on.nyc.gov/2QFx3ga>.

#### I. PROPOSED INT. NO. 1075-A

Proposed Int. No. 1075-A would mandate that the Department of Sanitation establish a pilot program to collect organics from buildings wholly occupied by one or more city agencies and institutional special use buildings. This law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1075-A:)



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

**PROPOSED INTRO. NO 1075-A:**  
**COMMITTEE:** Sanitation and Solid Waste  
 Management

**TITLE:** A Local Law in relation to an organic waste curbside collection pilot program

**SPONSORS:** The Public Advocate (Ms. James), Council Members Holden and Kallos

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1075-A would mandate the Department of Sanitation (“DSNY”) to establish a pilot program for the curbside collection of organic waste from select buildings wholly occupied by one or more City agencies and institutional special use buildings, which are not-for-profits receiving DSNY collection service. Furthermore, DSNY would be required to conduct outreach and provide education to occupants of the buildings participating in the pilot program. Lastly, the legislation would mandate a report from DSNY that would include, but not be limited to, the amount of organic waste diverted

from landfill and feedback from occupants of participating buildings. The pilot program would begin no later than July 1, 2019 and operate through at least until June 30, 2021, while the report would be due no later than October 31, 2021.

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

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

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**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenses resulting from the enactment of this legislation because DSNY would utilize current budgeted headcount vacancies, to hire pilot program support personnel. Additionally, DSNY’s supply budget would be able to absorb the additional other than personnel services expenditures associated the pilot.

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

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

**ESTIMATE PREPARED BY:** Jon Seltzer, Senior Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head, Finance Division  
Nathan Toth, Deputy Director, Finance Division  
Rebecca Chasan, Senior Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the City Council as Proposed Introduction No. 1075 on August 8, 2018 and was referred to the Committee on Sanitation and Solid Waste Management (“Committee”). The legislation was subsequently amended and on December 18, 2018 a hearing was held on the amended version, Proposed Intro. 1075-A, and the bill was laid over. Proposed Intro. 1075-A will be voted on by the Committee at a hearing on December 19, 2018. Upon a successful vote by the Committee, the bill will be voted on by the full Council on December 20, 2018

**DATE PREPARED:** December 18, 2018.

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

**(The following is the text of Int. No. 1075-A:)**

Int. No. 1075-A

By The Public Advocate (Ms. James) and Council Members Holden, Kallos, Levin, Constantinides, Rosenthal and Rivera.

## **A Local Law in relation to an organic waste curbside collection pilot program**

*Be it enacted by the Council as follows:*

Section 1. As used in this law, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of sanitation.

Department. The term “department” means the department of sanitation.

Institution. The term “institution” means a not-for-profit corporation receiving department collection service.

Organic waste. The term “organic waste” means organic waste as defined in section 16-303 of the administrative code of the city of New York.

Pilot program. The term “pilot program” means a program established pursuant to this law by the commissioner for the curbside collection of organic waste from selected buildings wholly occupied by one or more city agencies and institutional special use buildings.

Special use building. The term “special use building” means any premise or structure during the period in which any such premise or structure is exempt from real estate taxation by the city.

§ 2. No later than July 1, 2019, the department shall establish a pilot program, in consultation with the department of citywide administrative services, in no fewer than three boroughs. Such pilot program shall include a total of no fewer than 15 buildings wholly occupied by one or more city agencies. Such 15 buildings shall include no fewer than 10 city-owned buildings containing the administrative offices of one or more city agencies. Such pilot program may also include institutional special use buildings. Such pilot program shall continue through at least June 30, 2021.

§ 3. The commissioner shall have the authority, during the duration of the pilot program, to discontinue curbside collection of organic waste to a building wholly occupied by a city agency or an institutional special use building, provided, however, that the commissioner may select a replacement building wholly occupied by one or more city agencies or an institutional special use building to receive organic waste curbside collection service within 60 days of any such discontinuation. If any such discontinuation results in fewer than 15 buildings wholly occupied by one or more city agencies or fewer than 10 city-owned buildings containing the administrative offices of one or more city agencies being included in the pilot program, the commissioner shall select a replacement building of the same type as the building that was removed from the pilot program.

§ 4. The department shall conduct outreach and education to occupants of buildings participating in the pilot program. Such outreach and education shall include, but need not be limited to, instructions on how to properly source separate organic waste for curbside collection and the environmental benefits of reducing and composting organic waste. The department shall also provide any necessary equipment, including separate bins for the disposal of organic waste, to occupants of buildings participating in such pilot program.

§ 5. No later than October 31, 2021, the commissioner shall submit a report to the mayor and the speaker of the city council on the pilot program, which shall include, but need not be limited to, information on: (i) the number of buildings participating in the pilot program, disaggregated by buildings wholly occupied by one or more city agencies, institutional special use buildings, and city-owned buildings containing the administrative offices of one or more city agencies; (ii) amount of organic waste diverted; (iii) outreach and education conducted, including number of trainings and number of individuals who have participated in such trainings, if applicable, and materials provided; (iv) the costs associated with the pilot program, including costs for outreach, bins and labor; (v) feedback from occupants of buildings participating in the pilot program concerning such pilot program, including the adequacy of the receptacles used for such pilot program and any other issues of concern; (vi) a list of buildings that had organics collection discontinued during the pilot program and the reason for such discontinuation; and (vii) a list of buildings that were considered for the pilot program and, if applicable, the reasons such buildings were not included. The department shall disaggregate such information by agency, building address, and borough, block and lot. Such report shall include recommendations as to whether the pilot program should be expanded and, if so, a schedule for expanding such pilot program.

§ 6. This local law takes effect immediately and shall expire and be deemed repealed upon receipt of the report due pursuant to section five of this local law.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr.; Committee on Sanitation and Solid Waste Management, December 19, 2018.

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

## GENERAL ORDER CALENDAR

Report for Int. No. 720

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

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

### REPORTS:

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

*Accordingly, this Committee recommends its adoption.*

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

Laid Over by the Council.

Report for L.U. No. 259 & Res. No. 704

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180349 ZRY (Citywide M1 Hotel Text Amendment) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).**

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4238) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### REPORTS:

**SUBJECT****CITYWIDE****N 180349 ZRY**

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).

**INTENT**

To approve with modifications a City Planning Commission decision to amend the text of the Zoning Resolution to create a new special permit requirement for hotel development within M1 districts.

**PUBLIC HEARING****DATE:** November 1, 2018**Witnesses in Favor:** Six**Witnesses Against:** Eight**SUBCOMMITTEE RECOMMENDATION****DATE:** December 13, 2018

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

**In Favor:**

Moya, Constantinides, Levin, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None



**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated December 19, 2018, with the Council on December 19, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 704

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180349 ZRY (L.U. No. 259), for an amendment of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on October 26, 2018 its decision dated October 17, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article IV, Chapter 2 (Use Regulations), and related Sections, to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts), (Application No. N 180349 ZRY), Citywide (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 13, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration (CEQR No. 18DCP042Y) issued on September 25, 2017 and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 5, 2018 and the Technical Memorandum dated October 12, 2018 (the "Technical Memorandum").

**RESOLVED:**

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

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

- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, thereto, the proposed action, as modified with the modifications adopted herein and as analyzed in the Technical Memorandum is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

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

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180349 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

Matter ~~double struck~~ out is to be deleted by the City Council

Matter double underlined is added by the City Council

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**42-10**

**USES PERMITTED AS-OF-RIGHT**

**42-11**

**Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B**

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18 and 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as

listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

## 42-111

### Special provisions for hotels in M1 Districts

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit #transient hotels# in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

(a) Such special permit for #transient hotels# pursuant to Section 74-803 shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement# containing a #transient hotel# of a #building# that, as of [date of adoption], did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption] that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

A special permit shall not be required for a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.

(1) In addition, a special permit pursuant to the provisions of Section 74-803 shall not be required for #developments#, #enlargements#, #extensions# or changes of #use# of #transient hotels# in:

- ~~(1)~~(i) ~~areas designated on the maps in APPENDIX K (Excluded Areas in M1 Districts) of this Resolution;~~ John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;
- ~~(2)~~(ii) a #Special Mixed Use District# or where any M1 District is paired with a #Residence District#; or
- ~~(3)~~(iii) an M1 District where another special permit in this Resolution permitting such #use# is applicable, subject to approval by the City Planning Commission, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District or in a Historic District designated by the Landmarks Preservation Commission.

(2) A special permit pursuant to the provisions of Section 74-803 shall also not be required in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on [date of adoption].

(c) Within M1-5A and M1-5B Districts

Within an M1-5A or M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

Any #transient hotel# existing prior to [date of adoption] within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-803 or other applicable section of this Resolution. In addition, in the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

~~In addition to~~ The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction ~~shall apply.~~ As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by [three years after the effective date], the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to [date of adoption] shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

\* \* \*

42-30

**USES PERMITTED BY SPECIAL PERMIT**

\* \* \*

**42-32**

**By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

\* \* \*

M1 M2 M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), pursuant to the provisions of Section 42-111 (Special provisions for hotels in M1 Districts).

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

\* \* \*

**ARTICLE VII**

**ADMINISTRATION**

**Chapter 4**

**Special Permits by the City Planning Commission**

\* \* \*

**74-80****TRANSIENT HOTELS****74-801****In R10H Districts**

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-802****In M1-6D Districts**

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

- (a) a sufficient development sites ~~are~~ is available in the area to meet the residential development goal; or
- (b) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-803**

**Transient hotels within M1 Districts**

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;
- (c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (d) such #use# will not impair the essential character, including but not limited to existing industrial businesses, or future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

**Chapter 8  
Special Southern Hunts Point District**

\* \* \*

**108-11  
Use Modifications in the Special Hunts Point District**

In the #Special Hunts Point District#, hotels or motels shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A. Within such areas, Section 74-803 (Transient hotels within M1 Districts) shall not be applicable.

\* \* \*

**~~APPENDIX K — Excluded Areas in M1 Districts~~**

~~The boundaries of the excluded areas in M1 Districts are shown on the maps in this APPENDIX.~~

<b>Borough</b>	<b>Community District</b>	<b>Name of Excluded Area in M1 District</b>	<b>Map No.</b>
Queens	<del>3</del>	<del>East Elmhurst/LGA</del>	<del>1</del>
	<del>10</del>	<del>Ozone Park/JFK</del>	<del>1</del>
	<del>13</del>	<del>Springfield Gardens/JFK</del>	<del>2-5</del>

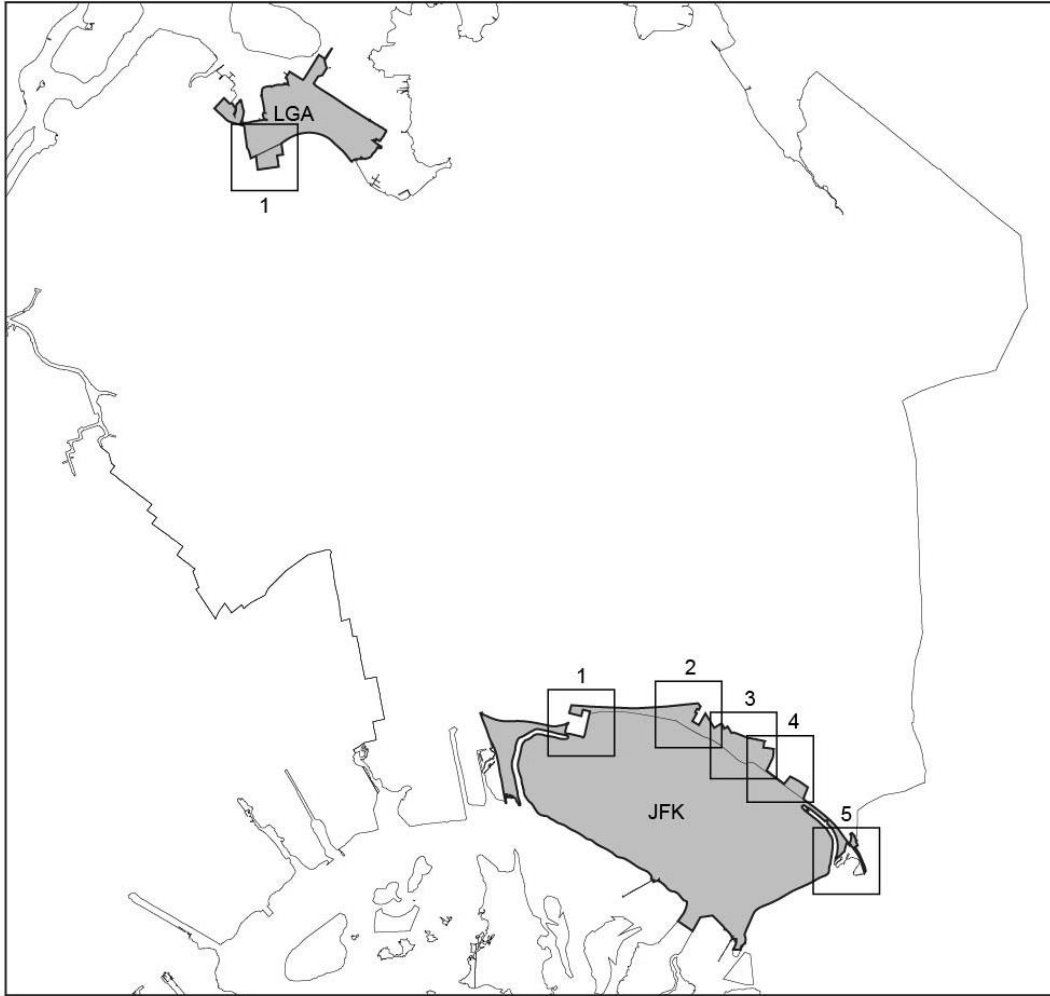
**~~INDEX MAP OF EXCLUDED AREAS~~**

~~The numbers on this Index Map correspond with the map numbers for this borough.~~

~~[PROPOSED MAP]~~



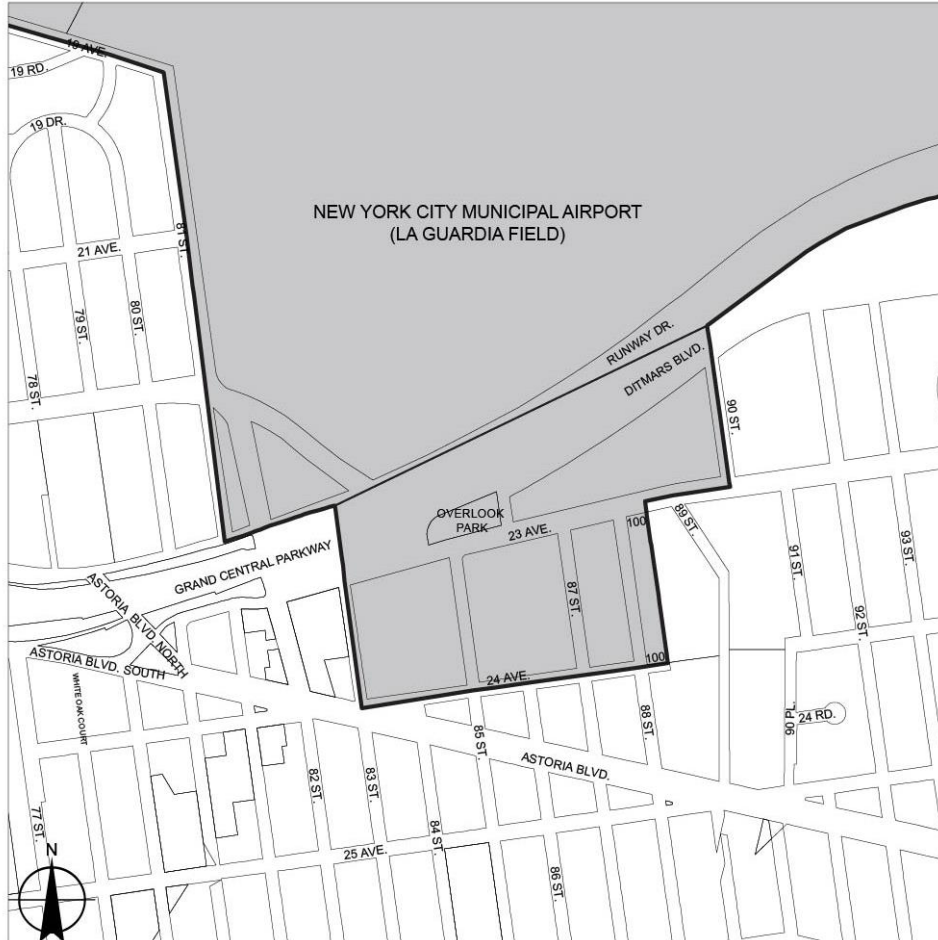
Queens



 Excluded Area

~~PROPOSED MAP~~

Map 1 East Elmhurst/LGA

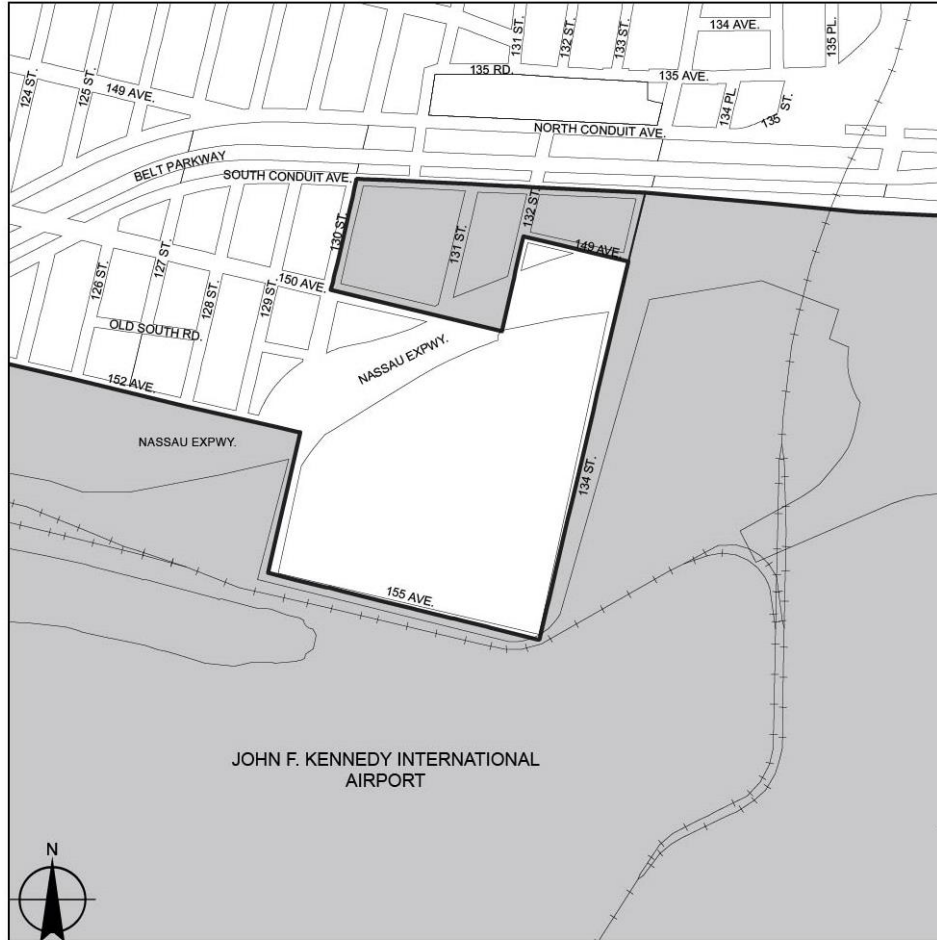



Excluded Area

Portion of Community District 3, Borough of Queens

~~PROPOSED MAP~~

Map 1 Ozone Park/JFK

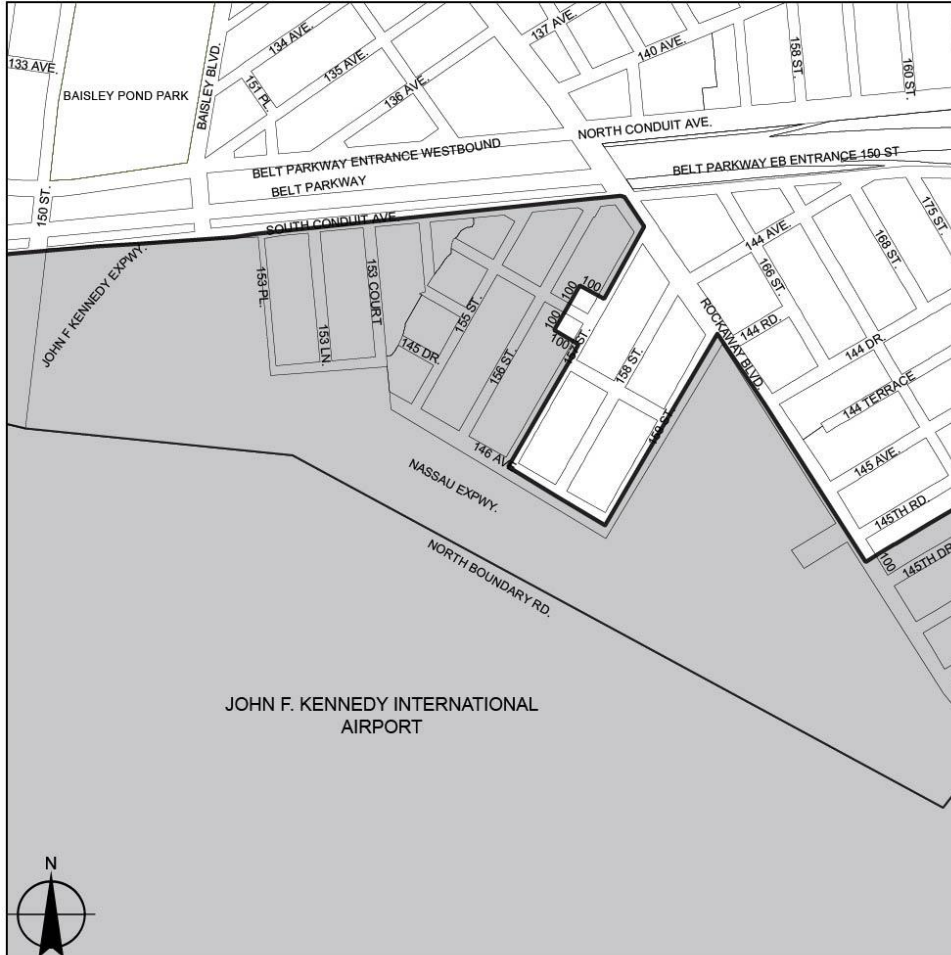


 Excluded Area

Portion of Community District 10, Borough of Queens

~~PROPOSED MAP~~

Map 2 Springfield Gardens/JFK

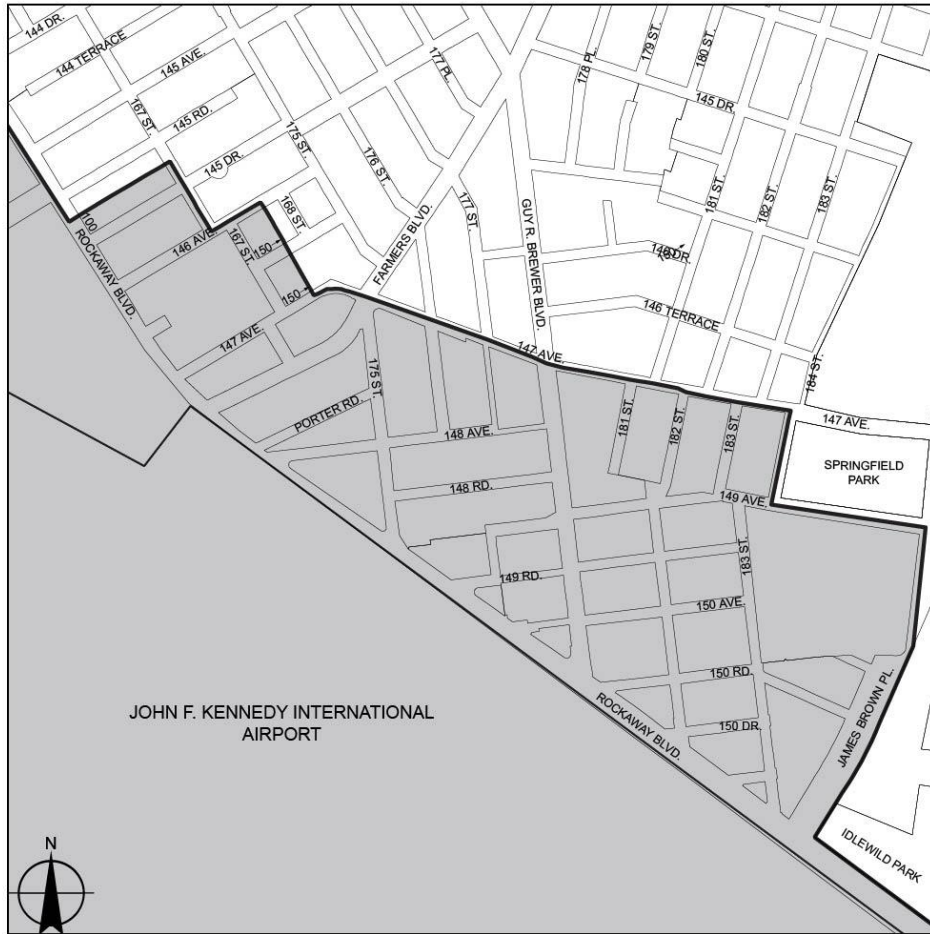


 Excluded Area

Portion of Community District 13, Borough of Queens

~~PROPOSED MAP~~

Map 3 Springfield Gardens/JFK

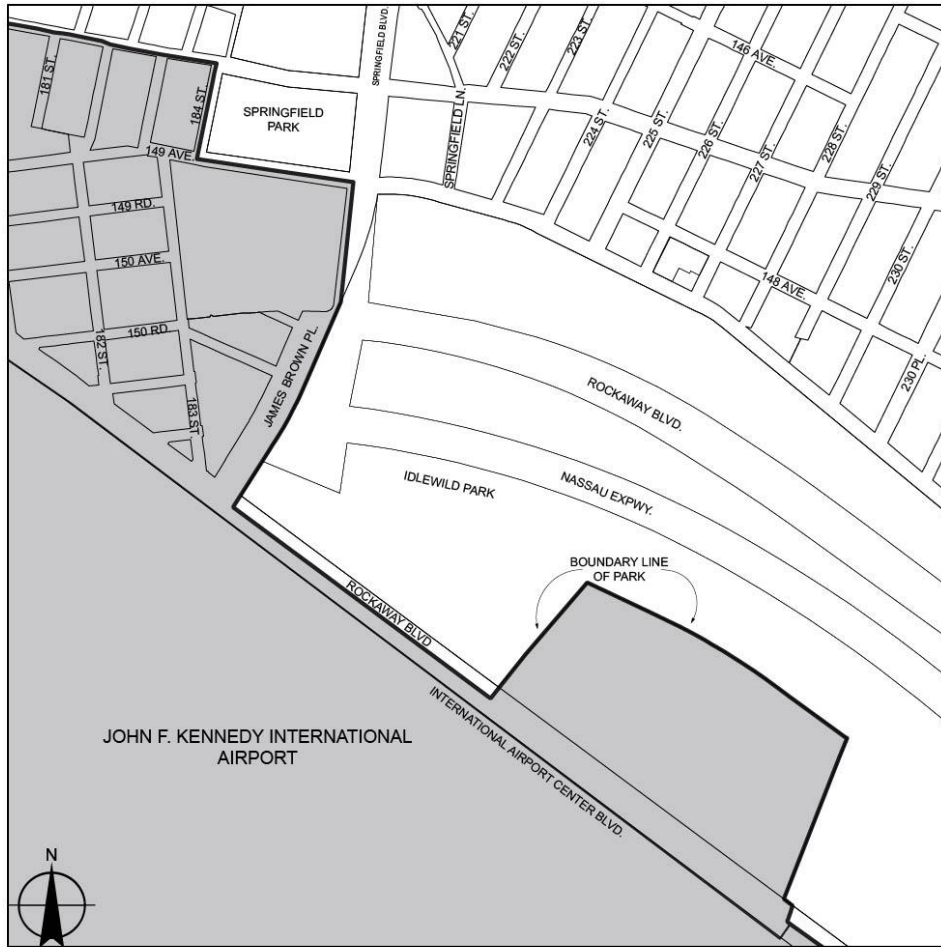


 Excluded Area

Portion of Community District 13, Borough of Queens

~~PROPOSED MAP~~

Map 4 Springfield Gardens/JFK

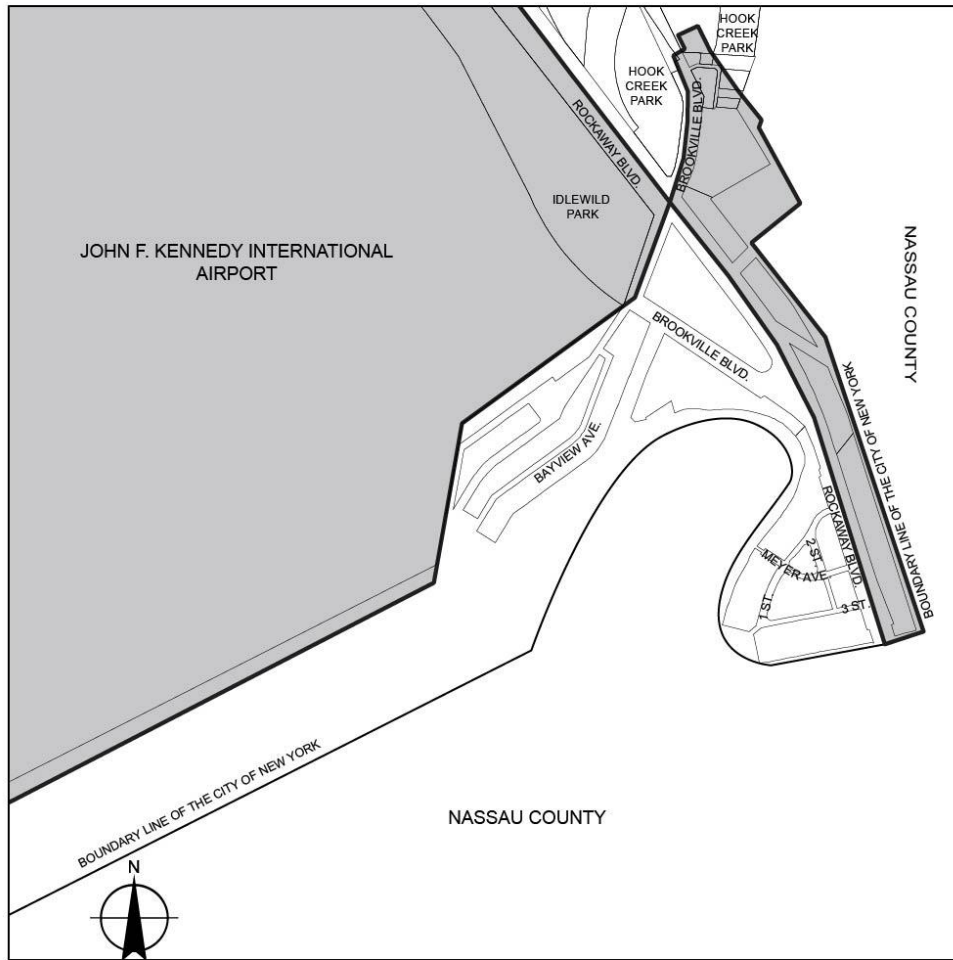


Excluded Area

Portion of Community District 13, Borough of Queens

~~PROPOSED MAP~~

Map 5 Meadowmere/JFK



Excluded Area

Portion of Community District 13, Borough of Queens

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 269 & Res. No. 705

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180373 ZRM (Special Garment Center Text Amendment) submitted by the New York City Department of City Planning and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article XII, Chapter 1 (Special Garment Center District) and related sections, Borough of Manhattan, Community Districts 4 and 5, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4421) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CBs - 4 and 5**

**N 180373 ZRM**

City Planning Commission decision approving with modifications an application submitted by the New York City Department of City Planning and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article XII, Chapter 1 (Special Garment Center District) and related sections.

#### **INTENT**

To amend the text of the Zoning Resolution to modify Article XII, Chapter 1, Special Garment Center District, in order to lift manufacturing preservation requirements, C6-4M conversion, hotel special permit, contextual bulk, use group 18 prohibition and sign text in the Special Garment Center District (SGCD) within Community Districts 4 and 5 in Manhattan.

#### **PUBLIC HEARING**

**DATE:** November 15, 2018

**Witnesses in Favor:** Twenty-four

**Witnesses Against:** Five

**Undecided:** Two

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 13, 2018



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

**In Favor:**

Moya, Constantinides, Levin, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated December 19, 2018, with the Council on December 19, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 705

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180373 ZRM (L.U. No. 269), for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 1 (Special Garment Center District) and related sections, Borough of Manhattan, Community Districts 4 and 5.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning (DCP) and the New York City Economic Development Corporation (EDC), for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 1 (Special Garment Center District) and related sections, in order to update and modernize the regulations of the Special Garment Center District (SGCD) within Community Districts 4 and 5 in Manhattan, (Application No. N 180373 ZRM) (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Environmental Assessment Statement dated June 8, 2018 which concluded that the proposed action would not have the potential for significant adverse impacts on Socioeconomic Conditions and Historic and Cultural Resources, the negative declaration issued June 11, 2018 (CEQR No. 17DCP149M) which includes an (E) designation related to Hazardous Materials, Air Quality, and Noise to avoid potential significant adverse impacts, (the “Negative Declaration”), the Conceptual Analysis and the Technical Memorandum dated December 19, 2018, (the “Technical Memorandum”);

**RESOLVED:**

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

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180373 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

**ARTICLE IX**

**SPECIAL PURPOSE DISTRICTS**

**Chapter 3**

**Special Hudson Yards District**

\* \* \*

**93-01**

**Definitions**

\* \* \*

**Hudson Yards Redevelopment Area**

The “Hudson Yards Redevelopment Area” shall be the areas within the #Special Hudson Yards District#, ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

\* \* \*

**93-23**

**Modifications of Inclusionary Housing Program**

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell’s Kitchen) of the #Special Hudson Yards District# and ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

\* \* \*

**93-232**

**Floor area increase in Subdistricts B, C, D and E, and ~~Preservation Area P-2~~ Special Garment Center District Subdistrict A-2**

Within Subdistricts B, C, D and E, and ~~Preservation Area P-2~~ Subdistrict A-2 of the Special Garment Center District, the provisions of Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the floor area compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-31 (Maximum Permitted Floor Area), the maximum permitted residential floor area ratio on a zoning lot with developments or enlargements that provide affordable housing pursuant to the Inclusionary Housing Program may be increased, as follows:

\* \* \*

**93-31**

**District Improvement Fund Bonus**

In ~~Area P-2~~ Subdistrict A-2 of the Special Garment Center District and in the Special Hudson Yards District, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum floor area ratio to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the Hudson Yards District Improvement Fund. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum floor area for such development or enlargement.

\* \* \*

**93-80**

**OFF-STREET PARKING REGULATIONS**

\* \* \*

**93-81**

**Definitions**

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#.

\* \* \*

**93-90  
HARASSMENT**

(a) Definitions

(1) Anti-harassment area

“Anti-harassment area” shall mean the #Special Hudson Yards District# and ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#.

\* \* \*

**93-91  
Demolition**

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell’s Kitchen Subdistrict D or within ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation ~~Area P-2~~ Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential floor area# in such #multiple dwelling# by 20 percent or more, unless:

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Garment Center District**

**121-00  
GENERAL PURPOSES**

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

- (a) retain adequate wage and job-producing industries within the Garment Center;
- (b) ~~to preserve~~ provide an opportunity for apparel production and showroom space in ~~designated areas of~~ the Garment Center;
- (c) ~~to limit conversion of manufacturing space to office use in designated areas of the Garment Center;~~ to preserve a variety of types of space for a diversity of businesses that service the Garment Center and the City;
- (d) ~~to~~ recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District;
- (e) ~~to~~ establish an appropriate urban scale and visual character ~~for wide streets~~ within the Garment Center; and
- (f) ~~to~~ promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

## 121-01

### General Provisions

~~In harmony with the general purposes of the #Special Garment Center District# the signage requirements of this Chapter shall apply to any #development#, #enlargement#, alteration, #extension#, #conversion# or change of #use#. The #use# regulations of this Chapter shall apply to any #conversion#, change of #use# and #extension#. Special #bulk# regulations apply within Preservation Area P-2. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.~~

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

## 121-02

### District Plan (Appendix A)

~~The District Plan (Appendix A) for the #Special Garment Center District# shows Preservation Areas, indicated by “P-1” and “P-2.” Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.~~

The regulations of this Chapter are designed to implement the #Special Garment Center District# Plan. The District Plan includes the following map:

Special Garment Center District and Subdistricts

The map is located in Appendix A of this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

### **121-03** **Subdistricts**

In order to carry out the purposes and provisions of this Chapter, two Subdistricts, A-1 and A-2, are established within the #Special Garment Center District#. The location of the Subdistricts are shown on the map (Special Garment Center District and Subdistricts) in Appendix A of this Chapter.

### **121-10** **PRESERVATION AREA-SPECIAL USE REGULATIONS**

The #use# regulations of the applicable underlying district shall apply except as set forth in this Section.

### **121-11** **Special Use Regulations Transient Hotels and Offices**

- (a) ~~In Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change of #use# to a Use Group 6B #use# is permitted, subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).~~
- (b) ~~In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on January 19, 2005, the underlying #use# regulations shall apply, except that the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the #conversion# to #dwelling units# of #non-residential buildings#.~~
- (c) ~~In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, permitted #uses# are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113. For portions of such #buildings converted# to #dwelling units#, the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such #conversions#. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.~~

In the #Special Garment Center District#, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission pursuant to Section 121-70 (Special Permit for Transient Hotels).

However, a special permit shall not be required for a #transient hotel# operated exclusively for a the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.

Furthermore, for a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no

harassment# that was in effect on June 11, 2018, a special permit shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

Any #transient hotel# existing prior to [date of adoption] within the #Special Garment Center#, shall be considered a conforming #use#. Any #enlargement# or #extension# of such existing conforming #use# shall not require a special permit. In the event a casualty damages or destroys a #building# within the #Special Garment Center District# that was used as a #transient hotel# as of [date of adoption], such #building# may be reconstructed and continue as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the #floor area# permitted pursuant to the provisions of Section 121-31 (Maximum Permitted Floor Area Within Subdistrict A-1) or Section 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), as applicable.

(d)In Preservation Area P- Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section 32-15 (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

## **121-111**

### **Use Group A**

~~Changes of #use# to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.~~

In Use Group 6A:

All #uses#

In Use Group 6C:

All #uses# except loan offices, telegraph offices and travel bureaus

In Use Group 6D:

All #uses#

In Use Group 9A:

Blueprinting or photostating establishments

Musical instrument repair shops

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Typewriter or other small business machine sales, rentals or repairs



**In Use Group 12B:**

All ~~#uses#~~  
Additional ~~#uses#~~:

~~#Accessory uses#~~

~~Automobile rental establishments~~

~~#Public parking lots# and #public parking garages#, pursuant to the provisions of Article I, Chapter 3 (Comprehensive Off Street Parking and Loading Regulations in the Manhattan Core)~~

~~Wholesale establishments, with a minimum of 15 percent of #accessory# storage~~

~~Wholesale showrooms~~

**121-112****Use Group B**

~~Changes of #use# to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the #floor area# preservation requirements. In Preservation Area P-2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.~~

**In Use Group 11A:**

~~Art needlework, hand weaving or tapestries~~

~~Books, hand binding or tooling~~

~~Ceramic products, custom manufacturing~~

~~Clothing, custom manufacturing or altering for retail~~

~~Hair products, custom manufacturing~~

~~Jewelry manufacturing from precious metals~~

**In Use Group 16A:**

~~Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units~~

~~Tool, die, or pattern making establishments or similar small machine shops~~

**In Use Group 16D:**

~~Packing or crating establishments~~

~~Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment~~

~~Warehouses~~

~~In Use Group 17B:~~

~~All #uses#~~

~~Additional #Uses#:~~

~~#Accessory uses#~~

### **121-113**

#### **Floor area preservation**

~~In Preservation Area P-1, the change of #use# of #floor area# to Use Group 6B #use# after March 26, 1987, and, in Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations is permitted only by certification of the Chairperson of the City Planning Commission that #floor area# has been preserved subject to the provisions of Section 121-115 (Certification and other requirements of preservation and conversion) for #uses# specified in Section 121-112 (Use Group B).~~

~~The amount of #floor area# to be preserved shall be equal to the amount of #floor area# changed to a Use Group 6B #use# or any #use# permitted by the underlying #use# regulations, as applicable. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in Preservation Areas P-1 or P-2, subject to the provisions of Section 121-114 (Comparability).~~

~~#Floor area# may not be preserved on portions of floors. If the #floor area# to be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for a permitted #use# in Use Group B. At the time of such change of #use#, #floor area# to be preserved must either be vacant or occupied by a #use# in Use Group B.~~

### **121-114**

#### **Comparability**

~~Where the #floor area# to be preserved is not located within the same #building# where the #use# will be changed, such #floor area# must be comparable to #floor area# in the #building# where the #use# will be changed. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:~~

~~(a) — Elevators: Load and number~~

~~(1) — Load~~

~~Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:~~

Total load	is greater than or equal to 90% of	Total load
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be occupied by the change of #use#

~~(2) Number~~

~~There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:~~

Number of elevators	is greater than or equal to 90% of	Number of elevators
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be occupied by the change of #use#

~~Notwithstanding the above, where there is only one elevator servicing the #floor area# to be occupied by the change of #use#, there may be one elevator servicing the #floor area# to be preserved if the following exist:~~

- ~~(i) the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be occupied by the change of #use# by more than 10 percent; and~~
- ~~(ii) the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be occupied by the change of #use# to the #floor area# to be occupied by the change of #use#. If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.~~

~~(b) Floor load~~

~~The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).~~

~~(c) Size of floors~~

~~The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be occupied by the change of #use#, whichever is greater. #Floor area# may not be preserved on portions of floors.~~

~~(d) Loading facilities~~

~~The loading facilities shall be at least equal in number to those in the #building# to be occupied by the change of #use#. In addition, if such #building# has an off street loading dock, the #building# containing the #floor area# to be preserved must have such off street loading facilities.~~

- (e) ~~Column spacing~~  
~~There shall be a minimum distance between columns of 16 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be occupied by the change of #use#.~~
- (f) ~~Height of #stories#~~  
~~The #stories# shall have an average minimum height of ten feet.~~

## **121-115**

### **~~Certification and other requirements of preservation and conversion~~**

- (a) ~~Prior to the issuance of an alteration permit for the change of #use# of #floor area# to Use Group 6B #use# in Preservation Area P-1, or the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations in Preservation Area P-2, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 121-113 (Floor area preservation), upon proof of a legal commitment to preserve and maintain the required #floor area# for a permitted #use# in Use Group B. Such legal commitment shall be executed by all parties having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.~~

~~A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.~~

~~A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.~~

- (b) ~~The amount of #floor area# required to be preserved in any #building# pursuant to Section 121-113 shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.~~
- (c) ~~If any #floor area# to be preserved for a #use# in Use Group B pursuant to Section 121-113 is damaged, destroyed or becomes unusable, it shall be repaired or reconstructed only in accordance with the conditions and restrictions set forth in the certification granted by the City Planning Commission and the legal commitment constituting part of such certification. Failure to comply with any other conditions and restrictions or failure to rebuild such preserved #floor area# set forth above shall constitute a violation of the certification and may constitute a basis for denial or revocation of the building permit or certificate of occupancy issued for the #building# containing preserved #floor area#.~~

## **121-12**

### **Conditions for Application of Preservation Area Regulations to Entire Zoning Lot C6-4M Districts in Subdistrict A-2**

~~For the purposes of this Chapter, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) are hereby made inapplicable. In lieu thereof, #zoning lots# existing on March 26, 1987, divided by the boundary of the Preservation Area as shown in Appendix A shall be subject to the #use# regulations applicable to the district in which more than 50 percent of the #lot area# is located. However, #zoning lots# fronting on a #wide street# shall not be subject to the preservation requirements of this Chapter.~~

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

- (a) for #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section 15-20 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential floor area# to #residences#. In lieu thereof, Section 15-10 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and
- (b) for #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.
- (c) the following #uses# and #uses accessory# to such #uses# shall be allowed:
  - (1) From Use Group 16A:
    - Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units
    - Tool, die or pattern making establishments or similar small machine shops
  - (2) From Use Group 16D:
    - Packing or crating establishments
    - Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment
    - Warehouses
    - Wholesale establishments, with no limitation on #accessory# storage
  - (3) From Use Group 17B:
    - All #uses#

### 121-13

#### **Authorization for Waiver of Floor Area Preservation Requirements M1-6 District in Subdistrict A-1**

~~In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the City Planning Commission may authorize the #conversion# or change of #use# of #floor area# to~~

~~any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:~~

- ~~(a) the #floor area# to be occupied by the change of #use# has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to the date that a complete application has been filed with the Department of City Planning;~~
- ~~(b) the #conversion# or change of #use# will not harm the commercial and manufacturing sectors of the City's economy;~~
- ~~(c) the #conversion# or change of #use# will not harm the commercial and manufacturing character of the surrounding area;~~
- ~~(d) the process of #conversion# or a change of #use# will not unduly burden #commercial# and #manufacturing uses# in the #building#; and~~
- ~~(e) the neighborhood in which the #conversion# or change of #use# is taking place will not be excessively burdened by increased #residential# activity.~~

In the M1-6 District located within Subdistrict A-1, #uses# listed in Use Group 18 shall not be permitted.

## **121-20 SIGN REGULATIONS**

~~The following provisions apply on #wide streets# within the #Special Garment Center District#:~~

- ~~(a) no #sign# shall project across the #street line# of a #wide street# more than 18 inches for double or multifaceted #signs# or 12 inches for other #signs#;~~
- ~~(b) no canopies, marquees, or awnings shall be permitted on the exterior of any #building# with the exception of theaters or hotels;~~
- ~~(c) where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a #street# (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit; and~~
- ~~(d) no banners or pennants shall be permanently displayed from the exterior of any #building# unless the design of such banners or pennants has been approved by the Mayor's Fashion Industry Advisory Council.~~

~~For the purpose of this Section, any #signs# including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after March 26, 1987, provided that after expiration of that period such #non-conforming signs#, including canopies, marquees, awnings, banners or pennants shall terminate.~~

In the #Special Garment Center District#, all #signs# shall be subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS). However, in Subdistrict A-2, #flashing signs# shall not be permitted.

**121-30****SPECIAL BULK REGULATIONS ~~WITHIN PRESERVATION AREA P-2~~ WITHIN SUBDISTRICT A-1**

The following special ~~#bulk#~~ regulations shall apply within ~~Preservation Area P-2~~ Subdistrict A-1.

**121-31****Maximum Permitted Floor Area Within Subdistrict A-1**

The basic maximum ~~#floor area ratio#~~ of a ~~#zoning lot#~~ containing ~~#non-residential buildings#~~ shall be 10.0 and may be increased to a maximum ~~#floor area ratio#~~ of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such ~~#zoning lot#~~ may also contain ~~#residences#~~ within ~~#buildings#~~ existing on January 19, 2005, provided that such ~~#buildings#~~ are not ~~#enlarged#~~ after such date. For ~~#zoning lots#~~ containing ~~#residences#~~ within a ~~#building#~~ that is ~~#developed#~~ or ~~#enlarged#~~ on or after January 19, 2005, the basic maximum ~~#floor area ratio#~~ shall be 6.5. The ~~#floor area ratio#~~ of any such ~~#zoning lot#~~ may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, provided that for every five square feet of ~~#floor area#~~ increase pursuant to Section 93-31, there is a ~~#floor area#~~ increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum ~~#residential floor area ratio#~~ shall be 12.0.

For the ~~#conversion#~~ to ~~#dwelling units#~~ of ~~#non-residential buildings#~~, or portions thereof, where the total ~~#floor area#~~ on the ~~#zoning lot#~~ to be ~~#converted#~~ to ~~#residential use#~~ exceeds a ~~#floor area ratio#~~ of 12.0, such excess ~~#floor area#~~ shall be permitted only pursuant to Section 93-31.

The basic maximum ~~#floor area ratio#~~ of a ~~#zoning lot#~~ shall be as specified for the underlying district in Section 43-12 (Maximum Floor Area Ratio) and may be increased only pursuant to Section 43-13 (Floor Area Bonus for Public Plazas). No ~~#public plaza#~~, or any part thereof, shall be permitted on or within 100 feet of a ~~#wide street#~~. The provisions of Section 43-14 (Floor Area Bonus for Arcades) shall not apply.

**121-32****Height of Street Walls and Maximum Building Height Within Subdistrict A-1**

In Subdistrict A-1, the underlying height and setback regulations set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks) and 43-44 (Alternate Front Setbacks) shall not apply. In lieu thereof, the following provisions shall apply:

**(a) Height of ~~#street walls#~~ #Street wall# location**

The ~~#street wall#~~ of any ~~#building#~~ shall be located on the ~~#street line#~~ and extend along the entire ~~#street#~~ frontage of the ~~#zoning lot#~~ not occupied by existing ~~#buildings#~~ to remain. Such ~~#street wall#~~ shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent ~~#street wall#~~ fronting on the same ~~#street line#~~ is higher than 90 feet before setback, the ~~#street wall#~~ of the new or ~~#enlarged building#~~ may rise without setback to the height of such adjacent ~~#street wall#~~, up to a maximum height of 120 feet.

For ~~#zoning lots#~~, or portions thereof, with ~~#street#~~ frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such ~~#street#~~ frontage in accordance with the following provisions:

- (1) ~~where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or~~
- (2) ~~where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.~~

~~The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph, (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph, (a).~~

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the maximum base height specified in paragraph (b) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. In addition, the #street wall# location provision of this paragraph shall not apply along such #street line# occupied by a #public plaza# as set forth in Section 37-70 (PUBLIC PLAZAS).

(b) Maximum #building# height Base height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) ~~any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and~~
- (2) ~~permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.~~

~~On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.~~

(1) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

However, where the height of an existing adjacent #street wall# fronting on the same #street line# rises to a height exceeding 155 feet before setback, the maximum base height may be



increased to the height of such existing adjacent #street wall# but shall not exceed a base height of 205 feet. In addition, where existing adjacent #street walls# on both sides of the #building# rise to a height exceeding 155 feet before setback, the maximum base height of such #building# may be increased to the higher of the two existing adjacent #street walls#, except in no instance shall the base height of such #building# exceed 205 feet.

(2) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may be applied along a #narrow street# beyond 50 feet of a #wide street#, up to a maximum of 100 feet from such #wide street#.

(c) Required setbacks

(1) Along #wide streets#

For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(1) of this Section, shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”

(2) Along #narrow streets#

For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(2) of this Section shall be set back from the #street wall# of the #building# at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”

(d) Tower Regulations

Each #story# of a tower above the required setback shall not exceed a maximum #lot coverage# of 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent of #lot coverage# set forth in Section 43-451 (Towers on small lots).

(e) Maximum #building# height

No height limit shall apply to towers.

**121-40**

**SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2**

The following special #bulk# regulations shall apply within Subdistrict A-2, as shown on the map in Appendix A of this Chapter.

**121-31-121-41**

**Maximum Permitted Floor Area Within Subdistrict A-2**

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

### **121-32-121-42**

#### **Height of Street Walls and Maximum Building Height Within Subdistrict A-2**

(a) Height of #street walls#

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises

over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

#### **121-40-121-50**

#### **PARKING PROVISIONS FOR ~~PRESERVATION AREA P-2~~ SUBDISTRICT A-2**

Within ~~Preservation Area P-2~~ Subdistrict A-2, as shown on the map in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the #Special Hudson Yards District#, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS) shall apply.

#### **121-50-121-60**

#### **SUPPLEMENTAL REGULATIONS IN ~~PRESERVATION AREA P-2~~ ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2**

In ~~Preservation Area P-2~~ Subdistrict A-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

#### **121-70**

#### **SPECIAL PERMIT FOR TRANSIENT HOTELS**

In the #Special Garment Center District#, the City Planning Commission may permit a #transient hotel# as listed in Use Group 5, including #motels#, #tourist cabins# or #boatels# as listed in Use Group 7, that is not otherwise permitted pursuant to Section 121-10 (SPECIAL USE REGULATIONS), provided that:

- (a) the location of such #transient hotel# within the Special District will not impair the achievement of a diverse and harmonious mix of #commercial#, #manufacturing# and #community facility uses# within Subdistrict A-1 and of #residential#, #commercial#, #manufacturing# and #community facility uses# in Subdistrict A-2, consistent with the applicable district regulations;
- (b) the site plan for such #transient hotel# demonstrates that the design is appropriate, does not impair the character of the area and incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the orientation of the #building# and landscaping;

(c) such #transient hotel use# will not cause undue vehicular or pedestrian congestion on local #streets; and

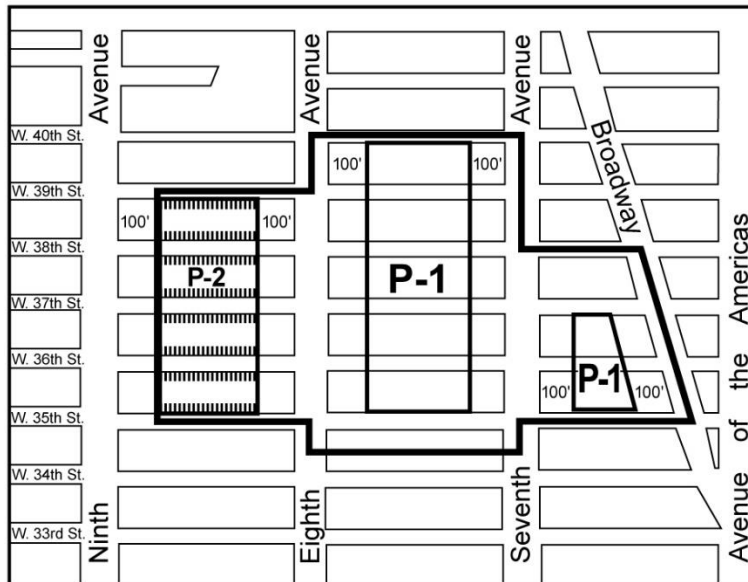
(d) such #transient hotel use# is consistent with the planning objectives of the Special District;

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**Appendix A**

Special Garment Center District Plan

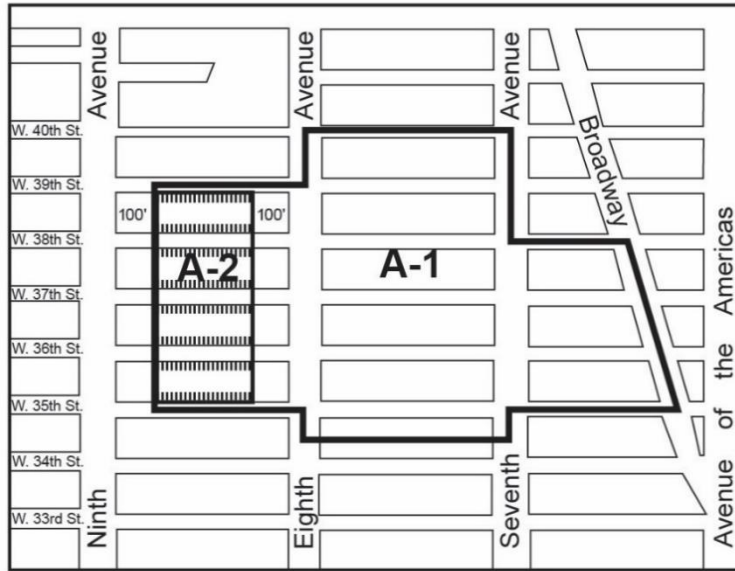
[EXISTING]



- Special Garment Center District
- Preservation Area
- |||||** Street Wall required pursuant to 121-32(a)

Special Garment Center District and Subdistricts

[PROPOSED]



- #Special Garment Center District#
- A-1 Garment Center Subdistrict A-1
- A-2 Garment Center Subdistrict A-2
- ▨ #Street Wall# required pursuant to 121-42 (a)

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

## Report for L.U. No. 272 &amp; Res. No. 706

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180485 HAK (Marcus Garvey Village) submitted by The Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Livonia Avenue/Chester Street (Block 3588, Lots 32, 33, 34, 35, and 36) as an Urban Development Action Area, Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB-16 - SIX APPLICATIONS RELATED TO MARCUS GARVEY VILLAGE****C 180485 HAK (L.U. No. 272)**

Application submitted by The Department of Housing Preservation and Development (HPD).

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of properties located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Livonia Avenue/Chester Street (Block 3588, Lots 32, 33, 34, 35, and 36) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate seven eight- and nine-story mixed-use buildings with approximately 724 affordable housing units, community facility and commercial space.

**C 180486 PCK (L.U. No. 273)**

Application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1) for use as a community garden.

**N 180487 ZRK (L.U. No. 274)**

Application submitted by Brownsville Livonia Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix

F for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 180488 ZSK (L.U. No. 275)**

Application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines; and
2. Section 74-743(a)(2) – to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings);

in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts.

**C 180489 ZMK (L.U. No. 276)**

Application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d:

1. changing from an R6 District to an R7-2 District at property bounded by:
  - a. Chester Street, a line 250 feet northwesterly of Dumont Avenue, a line midway between Chester Street and Rockaway Avenue, and Dumont Avenue;
  - b. Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 220 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;
  - c. Chester Street, Riverdale Avenue, a line midway between Chester Street and Rockaway Avenue, and a line 375 feet southeasterly of Riverdale Avenue; and
2. establishing within a proposed R7-2 District a C2-4 District bounded by Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 100 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;

as shown on a diagram (for illustrative purposes only) dated June 25, 2018.

**C 180490 ZSK (L.U. No. 277)**

Application submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32- 36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2, and R7-2/C2-4 Districts.

**INTENT**

To designate an Urban Development Action Area; approve the project as an Urban Development Action Area Project; approve the disposition of city-owned property located at 763 Thomas S. Boyland (Block 3588, Lots 32, 33, 34, 35, and 36); approve the site selection and acquisition of property located at Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1); approve an amendment to designate Mandatory Inclusionary Housing area; approve special permit to allow bulk modifications; approve an amendment to rezone R6 to R7-2 and R7-2/C2-4; and approve special permit to waive the existing parking requirement to facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16.

**PUBLIC HEARING**

**DATE:** November 15, 2018

**Witnesses in Favor:** Seven

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 13, 2018

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 272, 273, and 276, and approve with modifications the decisions of the CPC on L.U. Nos. 274, 275 and 277.

**In Favor:**

Moya, Constantinides, Levin, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolutions.



**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated December 19, 2018, with the Council on December 19, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 706

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 180485 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Livonia Avenue/Chester Street (Block 3588, Lots 32, 33, 34, 35, and 36), Borough of Brooklyn, Community District 16, to a developer selected by HPD (L.U. No. 272; C 180485 HAK).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 763 Thomas S. Boyland Street (Block 3587, Lot 27) and Livonia Avenue/Chester Street (Block 3588, Lots 32, 33, 34, 35, and 36), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16, Borough of Brooklyn, (ULURP No. C 180485 HAK) (the "Application");

**WHEREAS**, the Application is related to applications C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C

180488 ZSK (L.U. No. 275), a zoning special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) to allow bulk modifications within a large scale general development (LSGD), including lot coverage, distance between buildings modifications, and height and setback; C 180489 ZMK (L.U. No. 276), a zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

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

**WHEREAS**, by letter dated October 29, 2018 and submitted to the Council on October 30, 2018, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, HPD has advised that at the time the applications were submitted, the UDAAP area designation and project approval were deemed necessary to enable the City to utilize General Municipal Law authority for certain actions required for the development of the project;

**WHEREAS**, HPD subsequently decided that authority pursuant to Article XI of the Private Housing Finance Law (Housing Development Fund Companies Law) would be more appropriate for approval of the disposition of the Disposition Area and has requested approval of the disposition ULURP item above (item c), but has not requested approval of the UDAAP area designation or UDAAP project approval (items a and b);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise on the development sites Block 3589, Lot 21 (Development Site A); Block 3574, Lot 1 (Development Site B); Block 3588, Lots 27, 32, 33, 34, 35, 36 (Development Site C); Block 3573, Lot 1 (Development Site D); Block 3587, Lots 1 and 27 (Development Site E); Block 3602, Lot 12 (Development Site F); and Block 3560, Lot 1 (Development Site G) (E-485) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 180485 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council approves the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, upon condition that the Project shall be developed in a manner consistent with Project Summary submitted by HPD, copy of which is attached hereto and made a part hereof.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

**PROJECT SUMMARY**

- 1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. **PROJECT:** Marcus Garvey Village
- 3. **LOCATION:**
  - a. **BOROUGH:** Brooklyn
  - b. **COMMUNITY DISTRICT:** 16
  - c. **COUNCIL DISTRICT:** 42 – Inez Barron
  - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT(S)</u>	<u>ADDRESS(ES)</u>
3587	27	753 Thomas S Boyland Street
3588	32	Interior Lot – Chester St. btwn Livonia and Riverdale Aves.
3588	33	Interior Lot – Chester St. btwn Livonia and Riverdale Aves.
3588	34	Interior Lot – Chester St. btwn Livonia and Riverdale Aves.
3588	35	Interior Lot – Chester St. btwn Livonia and Riverdale Aves.
3588	36	386 Chester Street
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. **TYPE OF PROJECT:** New Construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
- 7. **APPROXIMATE NUMBER OF UNITS:** 164 dwelling units plus one or two units for superintendents
- 8. **HOUSING TYPE:** Rental

- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% to 60% of the area median income (“AMI”) with up to 30% of the units affordable to families with incomes between 70% and 100% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
- 10. **INCOME TARGETS** 30% to 60% of AMI with up to 30% of the units targeted to incomes between 80% and 130% of AMI
- 11. **PROPOSED FACILITIES:** Approximately 15,891 square feet of commercial space and/or community facility space
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 273 & Res. No.707

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180486 PCK (Marcus Garvey Village) submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1) for use as a community garden, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 707

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180486 PCK (L.U. No. 273), a site selection and acquisition of property located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1), Borough of Brooklyn, for use as a community garden.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision") on the application submitted by the Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located on Bristol Street between Blake Avenue and Dumont Avenue (Block 3559, p/o Lot 1,) Community District 16, Borough of Brooklyn (the "Site"), for use as a community garden (ULURP No. C 180486 PCK) (the "Application");

**WHEREAS**, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 180488 ZSK (L.U. No. 275), a zoning special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) to allow bulk modifications within a large scale general development (LSGD), including lot coverage, distance between buildings modifications, and height and setback; C 180489 ZMK (L.U. No. 276), a zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

**WHEREAS**, The UDAAP portion of application no. C 180485 HAK (L.U. No. 272) was withdrawn prior to the City Planning Commission decision;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which include an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-485) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Section 197-d of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180486 PCK, incorporated by reference herein, the Council approves the Decision for the site selection and acquisition of the Site for use as a community garden.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 274 & Res. No. 708

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180487 ZRK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 42.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 708

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180487 ZRK (L.U. No. 274), for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Community District 16, Borough of Brooklyn.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Brownsville Livonia Associates, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the

Brownsville neighborhood of Brooklyn, Community District 16, (Application No. N 180487 ZRK) (the "Application");

**WHEREAS**, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD. The UDAAP portion of this action was withdrawn prior to the City Planning Commission decision; C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; C 180488 ZSK (L.U. No. 275), a zoning special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) to allow bulk modifications within a large scale general development (LSGD), including lot coverage, distance between buildings modifications, and height and setback; C 180489 ZMK (L.U. No. 276), a zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise on the development sites Block 3589, Lot 21 (Development Site A); Block 3574, Lot 1 (Development Site B); Block 3588, Lots 27, 32, 33, 34, 35, 36 (Development Site C); Block 3573, Lot 1 (Development Site D); Block 3587, Lots 1 and 27 (Development Site E); Block 3602, Lot 12 (Development Site F); and Block 3560, Lot 1 (Development Site G) (E-485) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180487 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

- Matter underlined is new, to be added;
  - Matter ~~struck out~~ is to be deleted;
  - Matter within # # is defined in Section 12-10;
  - Matter ~~double struck out~~ is old, deleted by the City Council;
  - Matter double-underlined is new, added by the City Council
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Brooklyn**

\* \* \*


**Brooklyn Community District 16**

\* \* \*

Map 4 – [date of adoption]






 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*  
Area 5 [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 16, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 275 & Res. No. 709

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180488 ZSK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Zoning Resolution Sections 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines; 74-743(a)(2) – to allow for the location of buildings without regard for regulations of Section 23-711 (Standard minimum distance between buildings), Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4422) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 709

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180488 ZSK (L.U. No. 275), for the grant of a special permit pursuant to Section 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines and Section 74-743(a)(2) – to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland**

**Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, Community District 16, Borough of Brooklyn.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by Brownsville Livonia Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743(a)(1) – to allow the distribution of lot coverage without regard for zoning lot lines and Section 74-743(a)(2) – to allow for the location of buildings without regard for distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings), and the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), in connection with a proposed mixed-use development, within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32-36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12), in R6, R7-2, and R7-2/C2-4 Districts, which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16, (ULURP No. C 180488 ZSK) Community District 16, Borough of Brooklyn, (the "Application");

**WHEREAS**, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD. The UDAAP portion of this action was withdrawn prior to the City Planning Commission decision; C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 180489 ZMK (L.U. No. 276), a zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-743 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise on the development sites Block 3589, Lot 21 (Development Site A); Block 3574, Lot 1 (Development Site B); Block 3588, Lots 27, 32, 33, 34, 35, 36 (Development Site C); Block 3573, Lot 1 (Development Site D); Block 3587, Lots 1 and 27 (Development Site E); Block 3602, Lot 12 (Development Site F); and Block 3560, Lot 1 (Development Site G) (E-485) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180488 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 180488 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis and Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002A	Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-004A	Overall Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-004B	Site Plan North	<del>6/7/2018</del> <u>12/18/18</u>
Z-004C	Site Plan South	<del>6/7/2018</del> <u>12/18/18</u>
Z-011A.00	Site A Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-011C.00	Site A Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-013.00	Site A Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-014A.00	Site A Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>
Z-014B.00	Site A Waiver Sections II	<del>6/7/2018</del> <u>12/18/18</u>
Z-016	Site A Design Controls	<del>6/7/2018</del> <u>12/18/18</u>
Z-021A.00	Site B Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-021C.00	Site B Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-023.00	Site B Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-024A.00	Site B Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>

Z-024B.00	Site B Waiver Sections II	<del>6/7/2018</del> <u>12/18/18</u>
Z-024C.00	Site B Waiver Sections III	<del>6/7/2018</del> <u>12/18/18</u>
Z-026	Site B Design Controls	<del>6/7/2018</del> <u>12/18/18</u>
Z-031A.00	Site C Zoning Lot Site Plan	6/7/2018
Z-031C.00	Site C Zoning Analysis	6/7/2018
Z-033.00	Site C Waiver Plans	6/7/2018
Z-034.00	Site C Waiver Sections	6/7/2018
Z-036	Site C Design Controls	6/7/2018
Z-041A.00	Site D Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-041C.00	Site D Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-043.00	Site D Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-044A.00	Site D Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>
Z-044B.00	Site D Waiver Sections II	<del>6/7/2018</del> <u>12/18/18</u>
Z-046	Site D Design Controls	<del>6/7/2018</del> <u>12/18/18</u>
Z-051A.00	Site E Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-051C.00	Site E Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-053.00	Site E Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-054A.00	Site E Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>
Z-054B.00	Site E Waiver Sections II	<del>6/7/2018</del> <u>12/18/18</u>
Z-056	Site E Design Controls	<del>6/7/2018</del> <u>12/18/18</u>
Z-061A.00	Site F Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-061C.00	Site F Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-063.00	Site F Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-064A.00	Site F Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>
Z-064B.00	Site F Waiver Sections II	<del>6/7/2018</del> <u>12/18/18</u>
Z-066.00	Site F Design Controls	<del>6/7/2018</del> <u>12/18/18</u>
Z-071A.00	Site G Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-071C.00	Site G Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-073.00	Site G Waiver Plans	<del>6/7/2018</del> <u>12/18/18</u>
Z-074A.00	Site G Waiver Sections I	<del>6/7/2018</del> <u>12/18/18</u>

Z-074B.00	Site G Waiver Sections II	<del>6/7/2018</del> 12/18/18
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2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, as modified by the Council, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

## Report for L.U. No. 276 &amp; Res. No. 710

**Report of the Committee on Land Use in favor of approving Application No. C 180489 ZMK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17d changing from an R6 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4423), and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 710

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180489 ZMK, a Zoning Map amendment (L.U. No. 276).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by Brownsville Livonia Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17d, changing from an R6 District to an R7-2 District and establishing within a proposed R7-2 District a C2-4 District, which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16, (ULURP No. C 180489 ZMK) (the "Application");

**WHEREAS**, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD; C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 180488 ZSK (L.U. No. 275), a zoning special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) to allow bulk modifications within a large scale general development (LSGD), including lot coverage, distance between buildings modifications, and height and setback; and C 180490 ZSK (L.U. No. 277), a zoning special permit pursuant to ZR 74-532 to waive the existing parking requirement within the LSGD of accessory off-street parking spaces;

**WHEREAS**, The UDAAP portion of application no. C 180485 HAK (L.U. No. 272) was withdrawn prior to the City Planning Commission decision;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which include an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-485) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180489 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

1. changing from an R6 District to an R7-2 District at property bounded by:
  - a. Chester Street, a line 250 feet northwesterly of Dumont Avenue, a line midway between Chester Street and Rockaway Avenue, and Dumont Avenue;
  - b. Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 220 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;
  - c. Chester Street, Riverdale Avenue, a line midway between Chester Street and Rockaway Avenue, and a line 375 feet southeasterly of Riverdale Avenue; and
2. establishing within a proposed R7-2 District a C2-4 District bounded by Thomas S. Boyland Street, a line 75 feet northwesterly of Livonia Avenue, Bristol Street, a line 105 feet northwesterly of Livonia Avenue, Chester Street, Livonia Avenue, a line midway between Chester Street and Rockaway Avenue, a line 100 feet southeasterly of Livonia Avenue, Chester Street, a line 75 feet southeasterly of Livonia Avenue, a line midway between Bristol Street and Thomas S. Boyland Street, and a line 100 feet southeasterly of Livonia Avenue;

as shown on a diagram (for illustrative purposes only) dated June 25, 2018, Community District 16, Borough of Brooklyn.



RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 277 & Res. No. 711

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180490 ZSK (Marcus Garvey Village) submitted by Brownsville Livonia Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32- 36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2, and R7-2/C2-4 Districts, Borough of Brooklyn, Community District 16, Council District 41.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4423) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 272 & Res. No. 706 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 711

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180490 ZSK (L.U. No. 277), for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32- 36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2, and R7-2/C2-4 Districts, Community District 16, Borough of Brooklyn.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 2, 2018 its decision dated October 31, 2018 (the "Decision"), on the application submitted by Brownsville Livonia Associates, LLC, pursuant to Sections 197-c and 200 of the New York City Charter, for the grant of a special permit pursuant to Section 74-532 to waive the number of required accessory residential off-street parking spaces required by Section 25-23, in connection with a proposed mixed-use development within a Large-Scale General Development, on property generally bounded by Blake Avenue, Rockaway Avenue, Newport Street, and Thomas S. Boyland Street (Block 3559, Lot 1; Block 3560, Lot 1; Block 3573, Lot 1; Block 3574, Lot 1; Block 3575, Lot 11; Block 3587, Lots 1, 27; Block 3588, Lots 1, 27, 32- 36; Block 3589, Lot 21; Block 3601, Lot 26; and Block 3602, Lot 12) in R6, R7-2, and R7-2/C2-4 Districts, which in conjunction with the related actions would facilitate the development of seven eight- and nine-story mixed-use buildings with approximately 724 units of affordable housing in the Brownsville neighborhood of Brooklyn, Community District 16, (ULURP No. C 180490 ZSK) Community District 16, Borough of Brooklyn, (the "Application");

**WHEREAS**, the Application is related to applications C 180485 HAK (L.U. No. 272), a Urban Development Action Area designation, project approval (UDAAP), and disposition of City-owned property to a developer selected by HPD. The UDAAP portion of this action was withdrawn prior to the City Planning Commission decision; C 180486 PCK (L.U. No. 273), a site selection and acquisition by the Department of Parks and Recreation (DPR) for a new community garden; N 180487 ZRK (L.U. No. 274), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 180488 ZSK (L.U. No. 275), a zoning special permit pursuant to Section 74-743 of the Zoning Resolution (ZR) to allow bulk modifications within a large scale general development (LSGD), including lot coverage, distance between buildings modifications, and height and setback; and C 180489 ZMK (L.U. No. 276), a zoning map amendment to rezone a portion of the project area from R6 to R7-2 and R7-2/C2-4;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-532 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 15, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP101K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise on the development sites Block 3589, Lot 21 (Development Site A); Block 3574, Lot 1 (Development Site B); Block 3588, Lots 27, 32, 33, 34, 35, 36 (Development Site C); Block 3573, Lot 1 (Development Site D); Block 3587, Lots 1 and 27 (Development Site E); Block 3602, Lot 12 (Development Site F); and Block 3560, Lot 1 (Development Site G) (E-485) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-485) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180490 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

- The property that is the subject of this application (C 180490 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by Curtis Ginsberg Architects LLP, filed with this application and incorporated in this resolution:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-002A	Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-004A	Overall Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-004B	Site Plan North	<del>6/7/2018</del> <u>12/18/18</u>
Z-004C	Site Plan South	<del>6/7/2018</del> <u>12/18/18</u>
Z-011A.00	Site A Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-011C.00	Site A Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-021A.00	Site B Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-021C.00	Site B Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-031A.00	Site C Zoning Lot Site Plan	6/7/2018
Z-031C.00	Site C Zoning Analysis	6/7/2018
Z-041A.00	Site D Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-041C.00	Site D Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-051A.00	Site E Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-051C.00	Site E Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-061A.00	Site F Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-061C.00	Site F Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>
Z-071A.00	Site G Zoning Lot Site Plan	<del>6/7/2018</del> <u>12/18/18</u>
Z-071C.00	Site G Zoning Analysis	<del>6/7/2018</del> <u>12/18/18</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 280 & Res. No. 712

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180344 ZMK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d by changing from an M1-4/R8A District to an M1-6/R8X District property bounded by Jay Street, John Street, a line 150 feet easterly of Jay Street, and Plymouth Street, Borough of Brooklyn, Council District 33, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 28, 2018 (Minutes, page 4568) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**SUBJECT****BROOKLYN CB-2 - TWO APPLICATIONS RELATED TO 29 JAY STREET****C 180344 ZMK (L.U. No. 280)**

Application submitted by Forman Ferry, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d by changing from an M1-4/R8A District to an M1-6/R8X District property bounded by Jay Street, John Street, a line 150 feet easterly of Jay Street, and Plymouth Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June 25, 2018 and subject to the conditions of CEQR Declaration E-487.

**N 180345 ZRK (L.U. No. 281)**

Application submitted by Peter Forman, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District.

**INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change an M1-4/R8A zoning district to an M1-6/R8X district and to modify height and setback regulations and to expand an existing Special Mixed Use District to facilitate a new 11-story, approximately 189,000-square-foot commercial building with ground floor retail at 29 Jay Street in the DUMBO neighborhood of Brooklyn, Community District 2.

**PUBLIC HEARING**

**DATE:** November 29, 2018

**Witnesses in Favor:** Five

**Witnesses Against:** Three

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 18, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission ("CPC") for LU 280 and modify the decision of the CPC for LU 281.

**In Favor:**

Moya, Constantinides, Lancman, Levin, Richards, Rivera, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 18, 2018

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated December 19, 2018, with the Council on December 19, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 712

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180344 ZMK, a Zoning Map amendment (L.U. No. 280).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 16, 2018 its decision dated November 14, 2018 (the "Decision"), on the application submitted by Forman Ferry, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12d, changing from an M1-4/R8A District to an M1-6/R8X District, which in conjunction with the related action would facilitate a new 11-story, approximately 189,000-square-foot commercial building with ground floor retail at 29 Jay Street in the DUMBO neighborhood of Brooklyn, Community District 2, (Application No. C 180344 ZMK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application N 180345 ZRK (L.U. No. 281), a zoning text amendment to modify height and setback regulations and to expand an existing Special Mixed Use District;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 29, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP150K), which includes an (E) designation related to air

quality will be assigned to sites within the rezoning area (Block 20, Lot 1) to avoid potential significant adverse impacts related to hazardous materials and air quality (E-487), (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-487) and Negative Declaration.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180344 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d, by changing from an M1-4/R8A District to an M1-6/R8X District property bounded by Jay Street, John Street, a line 150 feet easterly of Jay Street, and Plymouth Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June 25, 2018 and subject to the conditions of CEQR Declaration E-487.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

Report for L.U. No. 281 & Res. No. 713

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180345 ZRK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, Borough of Brooklyn, Council District 33, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 28, 2018 (Minutes, page 4568) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Land Use for L.U. No. 280 & Res. No. 712 printed in the General Order Calendar section of these Minutes above)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 713

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180345 ZRK (L.U. No. 281), for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, Borough of Brooklyn, Community District 2.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on November 16, 2018 its decision dated November 14, 2018 (the "Decision"), pursuant to Section 200 of the New York City Charter, regarding an application submitted by Peter Forman, for an amendment of the text of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, (Application No. N 180345 ZRK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Application is related to application C 180344 ZMK (L.U. No. 280), a zoning map amendment to change an M1-4/R8A zoning district to an M1-6/R8X district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter and Rule 11.20(c) of the Rules of the Council;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 29, 2018;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued June 25, 2018 (CEQR No. 18DCP150K), which includes an (E) designation related to air quality will be assigned to sites within the rezoning area Block 20, Lot 1 to avoid potential significant adverse impacts related to hazardous materials and air quality (E-487), (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-487) and Negative Declaration.

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180345 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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



Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

## Article XII - Special Purpose Districts

### Chapter 3

#### Special Mixed Use District

\* \* \*

#### 123-63

#### Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Sections 23-153 (For Quality Housing buildings) or 23-155 (Affordable independent residences for seniors), as applicable.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Sections 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX 2 – Community District 2, Brooklyn	R7A R8A <u>R8X</u>
MX 4 – Community District 3, Brooklyn	R6A
MX 8 – Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 – Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 – Community District 6, The Bronx	R7A R7X
MX 16 – Community Districts 5 and 16 Brooklyn	R6A R7A R7D R8A

\* \* \*

**123-66**

**Height and Setback Regulations**

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

The following modifications of height and setback regulations set forth in paragraphs (a) and (b) apply in Historic Districts designated by the Landmarks Preservation Commission:

(a) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

(b) In #Special Mixed Use District# 2 in the Borough of Brooklyn, where the designated #Residence District# is an R8X District, the maximum base height of a #street wall# may vary between the maximum base height set forth in this Chapter, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height set forth in this

Chapter. For the purposes of this paragraph (b), a #building# situated directly across a #street# from a #development# shall be considered an adjacent #building#.

On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply.

\* \* \*

**123-662**

**All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

\* \* \*

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. However, where the #Residence District# designation is an R6A, R6B, R7A, R7D, R8A or R8X District located outside the #Manhattan Core#, for #buildings# with #qualifying ground floors# utilizing the additional heights set forth in paragraph (b) of Section 23-662, the supplemental ground floor provisions set forth in paragraph (b)(2) of such Section shall be modified so that any permitted non- #residential use# in the #Manufacturing District# that is paired with such #Residence District# may be utilized to satisfy the ground floor #use# and depth requirements of Section 26-52 (Ground Floor Use and Depth Requirements). Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), the height and setback provisions of paragraph (b) of Section 23-664 shall apply. Separate maximum #building# heights are set forth within Sections 23-662 and 23-664 for #Quality Housing buildings# with #qualifying ground floors# as well as for those with #non-qualifying ground floors#. In R8X districts in Special Mixed-Use District MX-2, the maximum #building# height for any #development# or #enlargement# that is not predominantly #commercial#, #manufacturing#, or a combination of #commercial# and #manufacturing#, shall be governed by the maximum #building# height and setback regulations applicable to an R8A district. For purposes of this provision, “predominantly” shall mean at least 75 percent of the #floor area# of a #building#.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, December 18, 2018.

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

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Kristi Thomas	1989 Adam Clayton Powell Jr Blvd #14G New York, New York 10026	9
Hue Juan Hu	156-11 Aguilar Ave #1K Queens, New York 11367	24
Walter McNeil	89-00 170th Street #A3F Queens, New York 11432	27
Caroline Hanna	617 Steuben St Staten Island, New York 10305	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Christopher Connors	1481 York Avenue #7 New York, New York 10075	5
Giselle Laverde	58-03 Calloway Street #2BB Corona, New York 11368	21
Liza Yordan	88-82 192nd Street Queens, New York 11423	23
Barney Chow	41-67 Judge Street #5E Elmhurst, New York 11373	25
Luz Rodriguez	360 Mother Gaston Blvd #5D Brooklyn, New York 11212	37
Elizabeth Morano	33 Finlay Street Staten Island, New York 10307	51

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- (1) **M 121 & Res 677 -** Transfer City funds between various agencies in Fiscal Year 2019 to implement changes to the City's expense budget (**MN-1**).
- (2) **M 122 & Res 678 -** Appropriation of new revenues in Fiscal Year 2019 (**MN-2**).
- (3) **Int 633-A -** Pay and employment equity data.
- (4) **Int 748-A -** Certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings.
- (5) **Int 863-A -** Prohibiting employment discrimination and discriminatory harassment.
- (6) **Int 933-B -** Department of correction to report on sexual abuse.
- (7) **Int 1075-A -** Organic waste curbside collection pilot program.
- (8) **Int 1090-A -** Department of correction to report on allegations of sexual abuse and sexual harassment on visitors.
- (9) **Int 1288-A -** The campaign finance laws to be in effect for covered elections held prior to the 2021 primary.
- (10) **Int 1300 -** The naming of 68 thoroughfares and public places.
- (11) **Int 1303 -** The date of submission by the Mayor of a FY 2020 Preliminary Budget, etc. [Preliminary Budget Extender] (**with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage**)
- (12) **Res 674 -** New designation and changes in the designation of certain organizations

to receive funding in the Expense Budget **(Transparency Resolution)**.

- (13) L.U. 259 & Res 704 - **App. N 180349 ZRY (Citywide M1 Hotel Text Amendment)** to create a special permit for new hotels, motels, tourist cabins and boatels in M1 Districts, and to establish APPENDIX K (Excluded Areas in M1 Districts).
- (14) L.U. 269 & Res 705 - **App. N 180373 ZRM (Special Garment Center Text Amendment)** Manhattan, Community Districts 4 and 5, Council District 3.
- (15) L.U. 270 & Res 699 - **App. C 180347 ZMK (Franklin Avenue Rezoning)** Brooklyn, Community District 9, Council District 35.
- (16) L.U. 271 & Res 700 - **App. N 180348 ZRK (Franklin Avenue Rezoning)** Brooklyn, Community District 9, Council District 35.
- (17) L.U. 272 & Res 706 - **App. C 180485 HAK (Marcus Garvey Village)** Brooklyn, Community District 16, Council District 42.
- (18) L.U. 273 & Res 707 - **App. C 180486 PCK (Marcus Garvey Village)** Brooklyn, Community District 16, Council District 42.
- (19) L.U. 274 & Res 708 - **App. C 180487 ZRK (Marcus Garvey Village)** Brooklyn, Community District 16, Council District 42.
- (20) L.U. 275 & Res 709 - **App. C 180488 ZSK (Marcus Garvey Village)** Brooklyn, Community District 16, Council District 41.
- (21) L.U. 276 & Res 710 - **App. C 180489 ZMK (Marcus Garvey Village)** Brooklyn, Community District 16, Council

District 41.

- (22) **L.U. 277 & Res 711 - App. C 180490 ZSK (Marcus Garvey Village)** Brooklyn, Community District 16, Council District 41.
- (23) **L.U. 280 & Res 712 - App. C 180344 ZMK (29 Jay Street Rezoning)** Brooklyn, Council District 33, Community District 2.
- (24) **L.U. 281 & Res 713 - App. N 180345 ZRK (29 Jay Street Rezoning)** Brooklyn, Council District 33, Community District 2.
- (25) **L.U. 287 & Res 701 - App. 20195080 SCR (St. John Villa Educational Campus)** Staten Island, Council District 50, Community District 2, Community School District 31.
- (26) **L.U. 288 & Res 702 - App. 20195158 SCK (Former St. Rosalia Church Property)** Brooklyn, Council District 38, Community District 11, Community School District 20.
- (27) **L.U. 289 & Res 703 - App. 20195038 TCM** Manhattan, Council District 2, Community District 6.
- (28) **L.U. 290 & Res 679 - 36-38 West Gun Hill Road**, Block 3324, Lot 59; Bronx, Community District No. 7, Council District No. 11.
- (29) **L.U. 291 & Res 680 55 East Mosholu Parkway North**, Block 3326, Lot 100; Bronx, Community District No. 7, Council District No. 11.
- (30) **L.U. 292 & Res 681 1425 Macombs Road**, Block 2857, Lot 81; Bronx, Community District No. 4, Council District No. 16.
- (31) **L.U. 293 & Res 682 - 3240 Henry Hudson Parkway**, Block 5789, Lot 24; Bronx, Community District No. 8, Council District No. 11.

- (32) **L.U. 294 & Res 683 -** **Cooper Square Senior Housing**, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.
- (33) **L.U. 295 & Res 684 -** **Langsam 1**, Block 3225, Lot 52; Bronx, Community District No. 7, Council District No. 14.
- (34) **L.U. 296 & Res 685 -** **Langsam 2**, Block 4068, Lot 1; Bronx, Community District No. 11, Council District No. 13.
- (35) **L.U. 297 & Res 686 -** **Langsam 3**, Block 3923, Lot 9; Bronx, Community District No. 9, Council District No. 18.
- (36) **L.U. 298 & Res 687 -** **Langsam 4**, Block 2870, Lot 61; Bronx, Community District No. 5, Council District No. 14.
- (37) **L.U. 299 & Res 688 -** **Langsam 5**, Block 3216, Lot 48; Bronx, Community District No. 5, Council District No. 14.
- (38) **L.U. 300 & Res 689 -** **Langsam 6**, Block 3317, Lot 36; Bronx, Community District No. 7, Council District No. 14.
- (39) **L.U. 301 & Res 690-** **Langsam 7**, Block 2663, Lot 37; Bronx, Community District No. 3, Council District No. 17.
- (40) **L.U. 302 & Res 691 -** **Langsam 8**, Block 2843, Lot 24; Bronx, Community District No. 4, Council District No. 16.
- (41) **L.U. 303 & Res 692 -** **Langsam 9**, Block 2866, Lot 4; Bronx, Community District No. 5, Council District No. 14.
- (42) **L.U. 304 & Res 693 -** **Langsam 10**, Block 3794, Lot 34; Bronx, Community District No. 9, Council District No. 18.
- (43) **L.U. 305 & Res 694 -** **Langsam 11**, Block 3318, Lot 30; Bronx, Community District No. 7, Council District No. 14.



- (44) **L.U. 306 & Res 695 - Langsam 12**, Block 3356, Lot 178;  
Bronx, Community District No. 7,  
Council District No. 11.
- (45) **L.U. 307 & Res 696 - Langsam 13**, Block 3196, Lot 58;  
Bronx, Community District No. 5,  
Council District No. 14.
- (46) **L.U. 308 & Res 697 - Langsam 14**, Block 2380, Lot 48;  
Bronx, Community District No. 1,  
Council District No. 17.
- (47) **L.U. 309 & Res 698 - Langsam 16**, Block 3329, Lot 64;  
Bronx, Community District No. 7,  
Council District No. 11.
- (48) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 633-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Negative** – Yeger – **1**.

The following was the vote recorded for **Int. No. 748-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Negative** – Diaz – **1**.

The following was the vote recorded for **Int. No. 863-A**:

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

**Negative** – Diaz and Holden – **2**.

The following was the vote recorded for **Int. No. 1288-A**:

**Affirmative** – Adams, Ampry-Samuel, Barron, Cabrera, Chin, Constantinides, Cornegy, Deutsch, Diaz, Espinal, Eugene, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Williams, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **39**.

**Negative** – Ayala, Borelli, Dromm, Gjonaj, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

**Abstentions** – Cohen, Gibson and Ulrich – **3**.

The following was the vote recorded for **L.U. No. 259 & Res. No. 704**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Negative** – Vallone – **1**.

The following was the vote recorded for **L.U. No. 270 & Res. No. 699 and L.U. No. 271 & Res. No. 700:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int Nos. 633-A, 748-A, 863-A, 933-B, 1075-A, 1090-A, 1288-A, and Preconsidered Int. Nos. 1300 and 1303. Preconsidered Int. No. 1303 passed under a Message of Necessity from the Mayor.*

## **RESOLUTIONS**

*presented for voice-vote*

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

Report for voice-vote item Res No 566

**Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.**

The Committee on Civil Service and Labor, to which the annexed resolution was referred on October 17, 2018 (Minutes, page 3889), respectfully

## **REPORTS:**

### **INTRODUCTION**

On Wednesday, December 19, 2018, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, voted on Res. No. 566, introduced by Council Member Miller, calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance. The Committee first held a hearing on this resolution on November 27, 2018, of which included an oversight topic entitled “Examining the Civil Service System (Focus on the Provisional Employee Reduction Plan)” and included the hearing of a bill, Int. No. 1235. Witnesses that testified on November 27, 2018, included Dawn Pinnock, Executive Deputy Commissioner, and Barbara Dannenberg, Deputy Commissioner for Human Capital, from Department of Citywide Administrative Services (DCAS) and Shawn Francois I from

Local 372. On December 19, 2018, the Committee passed Res. No. 566 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

## **BACKGROUND**

A.10935-A and S.8844-A were introduced as the same bills in May of 2018 in the New York State Assembly and Senate by Assemblyman N. Nick Perry and Representative Diane J. Savino, respectively. Both would provide for the automatic enrollment into the New York City Board of Education Retirement System (BERS) of future pension-eligible employees who do not elect to opt out of a pension. In essence, they both provide for a one-time automatic enrollment window into BERS for current pension-eligible employees who did not elect to opt in or out of a pension. Currently, A.10935-A and S.8844-A have passed the New York State Assembly and Senate, awaiting signing by the Governor.

## **Update**

On December 19, 2018, the Committee passed Res. No. 566 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 566:)**

Res. No. 566

**Resolution calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.**

By Council Members Miller, Dromm, Rosenthal, Gibson, Kallos, Levin, Williams and Ulrich.

**Whereas**, Public-sector employees comprise a significant portion of New York City’s workforce; and

**Whereas**, According to a report from the Department of Citywide Administrative Services (DCAS), the City of New York employs approximately 363,000 people, or 8.2 percent of the city’s total workforce, as estimated by the Bureau of Labor Statistics; and

**Whereas**, DCAS also found that roughly 37,000, or 10 percent of city government employees, are part-time or temporary employees, and that 29 percent of all City employees, or roughly 105,000 people, are eligible to retire within the next five years; and

**Whereas**, Currently, part-time and temporary employees, as well as those who are not required to take civil service exams, are allowed optional enrollment in the Board of Education Retirement System (BERS), which, according to the office of the Comptroller, holds over \$4 billion in assets; and

**Whereas**, Part-time City employees have been eligible for pension benefits since 1988, when the State Court of Appeals ruled in their favor in a 7-0 decision; and

**Whereas**, Pension enrollment is optional; and

**Whereas**, According to the Chief Actuary for the New York City Retirement Systems and Pension Funds, only 73 percent of eligible employees join BERS; and

**Whereas**, Furthermore, the Chief Actuary has reported that 64 percent of those who have not elected to enroll are women, with an average salary of approximately \$22,410; and

**Whereas**, A simple lack of awareness can mean that a committed City employee can lose access to years of benefits to which he or she is entitled; and

**Whereas**, There is currently legislation in both the New York State Assembly and the New York State Senate that would address this issue; and

**Whereas**, A.10935-A and its companion, S.8844-A, would amend the education law by automatically enrolling new employees in the pension system 90 days after beginning employment; and

**Whereas**, The proposed legislation would also allow employees to either opt-in immediately or opt-out in accordance with their wishes; and

**Whereas**, These bills have won the support of District Council 37, New York City's largest public employee union, which represents 125,000 members and 50,000 retirees, and

**Whereas**, Most importantly, however this measure would ensure that City employees can obtain the pension benefits that they have earned; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll "optional employees" in to the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM; JUMAANE D. WILLIAMS; ALAN N. MAISEL, ERIC A. ULRICH; Committee on Civil Service and Labor, December 19, 2018. *Other Council Members Attending: Council Member Cumbo.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice-vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1300

By Council Members Adams, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Jr., Cumbo, Diaz, Eugene, Gjonaj, Holden, King, Koslowitz, Lancman, Lander, Levin, Levine, Matteo, Miller, Moya, Perkins, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Jr., Ampry-Samuel, Torres, Treyger, Ulrich, Van Bramer and Williams.

**A Local Law in relation to the naming of 68 thoroughfares and public places, Correction Officer Jonathan Narain Way, Borough of Queens, Frank Appice Way, Borough of Staten Island, Salvatore Micciulla Way, Borough of Staten Island, Mafalda DiMango Way, Borough of Brooklyn, Lawrence “Larry” Morrish Way, Borough of Brooklyn, Mill Street Synagogue/Seixas Way, Borough of Manhattan, Loeser’s Deli Place, Borough of the Bronx, Chester Carlson Way, Borough of Queens, Mount Everest Way, Borough of Queens, Fannie Pettie Watts Way, Borough of Brooklyn, Christopher Wallace Way, Borough of Brooklyn, Gerri Lamb Way, Borough of the Bronx, 2<sup>nd</sup> Lt. John N. Sekul Place, Borough of the Bronx, Dr. Lamuel Stanislaus Way, Borough of Brooklyn, Freemason Way, Borough of the Bronx, Police Officer Manuel (Manny) Vargas Way, Borough of the Bronx, Michele Muccio Way, Borough of the Bronx, Father Yohanna T. Guirgis Way, Borough of Queens, Rev. Dr. V. Seymour Cole Way, Borough of the Bronx, Adelaide Connaughton Way, Borough of Queens, Ramesh D. Kalicharran “Kali” Way, Borough of Queens, JMC Way, Borough of Queens, Giselle McGee Way, Borough of Brooklyn, Kenneth Thompson Street, Borough of Brooklyn, Marie Runyon Way, Borough of Manhattan, Major Joseph R. Sciacca Way, Borough of Staten Island, Chief of Detectives William Allee Way, Borough of Staten Island, Jacques Marchais Way, Borough of Staten Island, William J. Liell Way, Borough of Staten Island, Zanu G. Simpson Way, Borough of Queens, Rev. Walter A. & Doris L. Jones Way, Borough of Queens, Margie Boyd Way, Borough of Queens, Rev. Julius & Mother Coreania Carter Way, Borough of Queens, Melody Anne-Simone Edwards Way, Borough of Queens, Hopkins Way, Borough of Queens, Nicholas Pennetti Way, Borough of Queens, Five Percenters Allah & Justice Square, Borough of Manhattan, Dr. Yosef ben-Jochannan Way, Borough of Manhattan, William Atmore Byrd, Sr. Place, Borough of Manhattan, Angelo M. Falcón Way, Borough of Brooklyn, Ramon Raimundi Way, Borough of Brooklyn, Rev. Dr. Freddie Brunswick Sr. Way, Borough of Queens, Leroy Jackson Way, Borough of Queens, Rabbi Raphael “Ralph” Pelcovitz Way, Borough of Queens, Fred Bass Way, Borough of Manhattan, Hector Rivera Way, Borough of Manhattan, Carlos Cooks Way, Borough of Manhattan, Pedro Rafael Landestoy Duluc Way, Borough of Manhattan, San Romero de América, Borough of Manhattan, Carmen Georgina Acosta-Cruz Way, Borough of Manhattan, Social Activist Charles K. Smith Way, Borough of Staten Island, Jody Haggerty Way, Borough of Staten Island, Bandleader William “Bill” Hughes Way, Borough of Staten Island, New York Poet Laureate Audre Lorde Way, Borough of Staten Island, Wu-Tang Clan District, Borough of Staten Island, Beulah E. Sanders Way, Borough of Manhattan, Sesame Street, Borough of Manhattan, Fannie Lou Hamer Street, Borough of the Bronx, Mother Arnetta Crawford Way, Borough of the Bronx, Dwayne “The Pearl” Washington Way, Borough of Brooklyn, Bishop Landon E. Penn Way, Borough of Brooklyn, Junior Feliz Way, Borough of the Bronx, Audie Trinidad Way, Borough of the Bronx, Woody Guthrie Way, Borough of Brooklyn, Chief Ronald Spadafora Way, Borough of Queens, Gertrude McDonald Way, Borough of Queens, Terri Mona Adams Way, Borough of Queens, Muhammad Ali Jinnah Way, Borough of Brooklyn and the repeal of sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of local law number 139 for the year 2018, section 24 of local law number 110 for the year 2017 and sections 40 and 41 of local law number 237 for the year 2017.**

*Be it enacted by the Council as follows:*

Section 1. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Correction Officer Jonathan Narain Way	111 <sup>th</sup> Street	Between Liberty Avenue and 107 <sup>th</sup> Avenue

§2. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Frank Appice Way	None	At the intersection of Getz Avenue and Lamoka Avenue

§3. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Salvatore Micciulla Way	Kreisher Street	Between Androvette Street and Winant Place

§4. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mafalda DiMango Way	None	At the intersection of 81 <sup>st</sup> Street and 15 <sup>th</sup> Avenue

§5. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Lawrence "Larry" Morrish Way	None	At the southeast corner of 101 <sup>st</sup> Street and Fort Hamilton Parkway

§6. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mill Street Synagogue/Seixas Way	None	At the intersection of South William Street and Coenties Alley

§7. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Loeser's Deli Place	None	At the intersection of West 231 <sup>st</sup> Street and Godwin Terrace

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Chester Carlson Way	None	At the intersection of 37 <sup>th</sup> Street and Broadway

§9. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mount Everest Way	None	At the intersection of 75 <sup>th</sup> Street and 31 <sup>st</sup> Avenue

§10. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Fannie Pettie Watts Way	Decatur Street	Between Patchen Avenue and Malcom X Boulevard



§11. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Christopher Wallace Way	St. James Place	Between Fulton Street and Gates Avenue

§12. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Gerri Lamb Way	None	At the intersection of Randall Avenue and Castle Hill Avenue

§13. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
2 <sup>nd</sup> Lt. John N. Sekul Place	Newbold Avenue	Between Castle Hill Avenue and Havemeyer Avenue

§14. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Dr. Lamuel Stanislaus Way	Rutland Road	Between Flatbush Avenue and Bedford Avenue

§15. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Freemason Way	None	At the west side of Schofield Street and City Island Avenue

§16. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Police Officer Manuel (Manny) Vargas Way	Rhineland Avenue	Between Eastchester Road and Stillwell Avenue

§17. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Michele Muccio Way	St. Theresa Avenue	Between Edison Avenue and Mayflower Avenue

§18. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Father Yohanna T. Guirgis Way	Woodward Avenue	Between Grove Street and Linden Street

§19. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rev. Dr. V. Seymour Cole Way	None	At the northeast corner of East 227 <sup>th</sup> Street and Paulding Avenue

§20. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Adelaide Connaughton Way	None	At the north side of Queens Boulevard and 71 <sup>st</sup> Road

§21. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Ramesh D. Kalicharran "Kali" Way	169 <sup>th</sup> Street	Between Highland Avenue and Homelawn Street

§22. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
JMC Way	168 <sup>th</sup> Street	Between Highland Avenue and Gothic Drive

§23. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Giselle McGee Way	Carroll Street	Between Court Street and Smith Street

§24. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Kenneth Thompson Street	None	At the intersection of Myrtle Street and Jay Street

§25. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Marie Runyon Way	None	At the southeast corner of Amsterdam Avenue and Morningside Drive

§26. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Major Joseph R. Sciacca Way	None	At the intersection of Fremont Avenue and North Railroad Avenue

§27. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Chief of Detectives William Allee Way	None	At the intersection of Bascom Place and Collfield Avenue

§28. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Jacques Marchais Way	None	At the intersection of Lighthouse Avenue and Richmond Road

§29. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
William J. Liell Way	None	At the corner of Foch Avenue and Lamport Boulevard

§30. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Zanu G. Simpson Way	None	At the southwest corner of 99 <sup>th</sup> Avenue and Hollis Avenue

§31. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rev. Walter A. & Doris L. Jones Way	None	At the northside of 115 <sup>th</sup> Road and Farmers Boulevard

§32. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Margie Boyd Way	None	At the southeast corner of 219 <sup>th</sup> Street and Linden Boulevard

§33. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rev. Julius & Mother Coreania Carter Way	None	At the northeast corner of 167 <sup>th</sup> Street and Linden Boulevard

§34. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Melody Anne-Simone Edwards Way	None	At the northeast corner of 118 <sup>th</sup> Avenue and Springfield Boulevard

§35. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Hopkins Way	None	At the northwest corner of Pineville Lane and Merrick Boulevard

§36. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Nicholas Pennetti Way	None	At the intersection of 104 <sup>th</sup> Street and Nicholls Avenue

§37. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Five Percenters Allah & Justice Square	None	At the northwest corner of 126 <sup>th</sup> Street and Adam Clayton Powell Jr. Boulevard

§38. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Dr. Yosef ben-Jochannan Way	None	At the northeast corner of 125 <sup>th</sup> Street and Adam Clayton Powell Jr. Boulevard

§39. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
William Atmore Byrd, Sr. Place	None	At the intersection of West 131 <sup>st</sup> Street and Frederick Douglass Boulevard

§40. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Angelo M. Falcón Way	Havemeyer Street	At the corner of South 1 <sup>st</sup> Street and Havemeyer Street

§41. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Ramon Raimundi Way	None	At the intersection of South 2 <sup>nd</sup> Street and Havemeyer Street

§42. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rev. Dr. Freddie Brunswick Sr. Way	None	At the intersection of 140 <sup>th</sup> Avenue and 180 <sup>th</sup> Street

§43. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Leroy Jackson Way	None	At the intersection of 135 <sup>th</sup> Avenue and 228 <sup>th</sup> Street

§44. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Rabbi Raphael “Ralph” Pelcovitz Way	None	At the intersection of Empire Avenue and Sage Street

§45. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Fred Bass Way	None	at the northeast corner of Broadway and East 12 <sup>th</sup> Street

§46. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Hector Rivera Way	None	At the intersection of Dykman Street and Sherman Avenue

§47. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Carlos Cooks Way	None	At the intersection of 166 <sup>th</sup> Street and Broadway

§48. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Pedro Rafael Landestoy Duluc Way	None	At the intersection of 166 <sup>th</sup> Street and Nicholas

§49. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
San Romero de América	None	At the intersection of 179 <sup>th</sup> Street and Fort Washington

§50. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Carmen Georgina Acosta-Cruz Way	None	At the northeast corner of Broadway and West 180 <sup>th</sup> Street

§51. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Social Activist Charles K. Smith Way	None	At the northeast corner of Broadway and Castleton Avenue

§52. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Jody Haggerty Way	None	At the southeast corner of Forest Avenue and Oakland Avenue



§53. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Bandleader William "Bill" Hughes Way	None	At the northwest corner of Broadway and Castleton Avenue

§54. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
New York Poet Laureate Audre Lorde Way	None	At the southeast corner of Victory Boulevard and St. Paul's Avenue

§55. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Wu-Tang Clan District	None	At the southeast corner of Vanderbilt Avenue and Targee Street

§56. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Beulah E. Sanders Way	None	At the northwest corner of Columbus Avenue and West 92 <sup>nd</sup> Street

§57. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Sesame Street	None	At the southeast corner of 63 <sup>rd</sup> Street and Broadway

§58. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Fannie Lou Hamer Street	None	At the intersection of West Farms Road and 172 <sup>nd</sup> Street

§59. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Mother Arnetta Crawford Way	None	At the intersection of 172 <sup>nd</sup> Street and Vyse Avenue

§60. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Dwayne “The Pearl” Washington Way	None	At the intersection of Belmont Avenue and Mother Gaston Boulevard

§61. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Bishop Landon E. Penn Way	Eastern Parkway	Between Ralph Avenue and Howard Avenue

§62. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Junior Feliz Way	None	At the intersection of East 183 <sup>rd</sup> Street and Bathgate Avenue

§63. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Audie Trinidad Way	None	At the intersection of East 188 <sup>th</sup> Street and Washington Avenue

§64. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Woody Guthrie Way	Mermaid Avenue	Between West 35 <sup>th</sup> Street and West 36 <sup>th</sup> Street

§65. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Chief Ronald Spadafora Way	90 <sup>th</sup> Street	Between Rockaway Boulevard and 101 <sup>st</sup> Avenue

§66. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Gertrude McDonald Way	None	At the northeast corner of Queens Boulevard and 39 <sup>th</sup> Street

§67. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Terri Mona Adams Way	None	At the intersection of 49 <sup>th</sup> Avenue and Vernon Boulevard

§68. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<i>New Name</i>	<i>Present Name</i>	<i>Limits</i>
Muhammad Ali Jinnah Way	Coney Island Avenue	Between Avenue C and Avenue H

§69. Sections 4, 47, 48, 49, 50, 64, 68, 71 and 76 of local law number 139 for the year 2018 are hereby REPEALED.

§70. Section 24 of local law number 110 for the year 2017 is hereby REPEALED.

§71. Sections 40 and 41 of local law number 237 for the year 2017 are hereby REPEALED.

§72. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Parks and Recreation).

Int. No. 1301

By Council Members Cohen and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create an online portal to facilitate the comparison of funding and spending across schools**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

*CHAPTER 25  
FUNDING AND SPENDING*

*§ 21-992 Funding and spending. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Raw data. The term “raw data” means data that has not been subjected to processing, cleaning, analysis or manipulation.*

*b. The department shall develop and maintain an online portal on its website for the purpose of facilitating the comparison among schools of expenditures per student. Such online portal shall be designed to permit the user to compare, by school, the amount of funds expended for each student, and to trace such expenditures to their sources of funding and purposes for expenditure.*

*c. No later than August 1, 2019, the department shall post on its website the online portal required by subdivision b of this section. Such online portal shall be based upon information for the prior academic school*

year, and shall be updated with current information on a monthly basis. Such information shall include, but need not be limited to:

1. The amount of funds received by each school, disaggregated by the source of such funds; and
  2. The amount of funds spent by each school, traced to the source of funding and purpose for expenditure.
- d. Student data reported in the online portal required by subdivision b of this section shall be capable of being disaggregated by demographic information including, but not limited to, race, ethnicity and ELL status.
- e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.
- f. No later than August 1, 2019, and monthly thereafter, the department shall submit to the council in a machine-readable format and post on the city's open data portal and on MyGalaxy, or any subsequent budgeting application of the department, all raw data, upon which the online portal required by subdivision b of this section is based, that pertains to funds actually expended by schools.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 672

**Resolution calling upon the United States Congress and urging the Secretary of the United States Department of Housing and Urban Development to take action to exclude Westchester, Rockland, and Putnam counties from New York City's AMI calculation, so that only the City's five boroughs are taken into account.**

By Council Members Cumbo, Moya, Cohen and Chin.

**Whereas**, The United States Department of Housing and Urban Development (HUD) calculates the Area Median Income (AMI) for every metropolitan region in the country each year by focusing on the median household incomes for the metropolitan regions around cities, rather than just the city itself; and

**Whereas**, For this reason, HUD includes households in Westchester, Putnam and Rockland counties, in addition to New York City (NYC)'s five boroughs, in determining NYC's AMI; and

**Whereas**, Westchester and Rockland counties, especially, have comparably higher median household incomes than NYC, with Westchester's median household income at \$83,422, Rockland's at \$85,808, and NYC's at \$50,700, causing NYC's AMI to be 20 to 30 percent higher than it would be if only the five boroughs were considered; and

**Whereas**, Because NYC uses the AMI as its affordability baseline and therefore allows it to determine eligibility for affordable housing programs, the incomes levels required can be artificially high to the extent that average residents of low- and moderate-income communities in NYC cannot afford the dedicated, subsidized housing built in their neighborhoods; and

**Whereas**, This approach contributes to the existing affordable housing crisis in NYC, especially for poor families, one-in-five of which fall below the federal poverty threshold of \$24,600; and

**Whereas**, Congress has already passed legislation exempting Westchester and Rockland counties from considering NYC in their AMI calculations, based largely on the fact that the City's income levels would decrease and thereby negatively influence the AMI levels for those areas; and

**Whereas**, HUD reconsiders its calculation and policies annually and has the ability to change the calculation it uses to determine the AMI for NYC; and

**Resolved**, That the Council of the City of New York calls upon the United States Congress and urges the Secretary of the United States Department of Housing and Urban Development to take action to exclude Westchester, Rockland, and Putnam counties from New York City's AMI calculation, so that only the City's five boroughs are taken into account.

Referred to the Committee on Housing and Buildings.

Res. No. 673

**Resolution recognizing January 27, 2019 as Holocaust Remembrance Day and a citywide day of Holocaust Education in New York City.**

By Council Member Deutsch.

**Whereas**, The Holocaust was the systematic, bureaucratic, and state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators; and

**Whereas**, The Holocaust, which occurred from 1933 to 1945, was due to the intense anti-Semitism and hatred towards the Jewish people that were born in Nazi Germany; and

**Whereas**, In efforts to exterminate the Jewish population, the Nazi regime established concentration camps, such as Aushwitz-Birkenau, Majdanek, Sobibor, Treblinka and Theresienstadt, of which Jewish men, women and children, as well as opponents to the Nazis, were herded into, to experience terrible living conditions, inhumane medical experimentation, torture and mass killings; and

**Whereas**, Due to the atrocities committed by the Nazi regime during the Holocaust, there is no way in which the Jewish people and world can ever fully recover, however, in efforts to partially rectify the past, every possible positive effort should be made in order to ensure that all those who suffered as a result of the Holocaust be remembered, while also learning from the past to prevent a similar event from ever occurring again; and

**Whereas**, In efforts to ensure this, dedicating January 27, 2019 as Holocaust Remembrance Day and a citywide day of Holocaust Education in New York City would: commemorate the six million Jewish people who died during the Holocaust, effectively teach City residents about the past, encourage empathy towards others, and ultimately improve the City's future; and

**Whereas**, Also, recognizing January 27, 2019 as Holocaust Remembrance Day in New York City would show international solidarity and encourage the preservation of humanity worldwide, as International Holocaust Remembrance Day occurs on the same day; and

**Whereas**, In addition, a citywide day of Holocaust Education on January 27, 2019 throughout New York City's schools would foster empathy between City residents, beginning within the children themselves, through the learning of this important historical event and the impacts it has had on the present-day world; and

**Whereas**, As there are nearly 45,000 Holocaust survivors living in New York City, it is important to those survivors that the history of the Holocaust, specifically those who died as a result of this event, is remembered and taught within New York City; and

**Whereas**, Recognizing January 27, 2019 as Holocaust Remembrance Day and a citywide day of Holocaust Education in New York City would help make the city a better place by valuing humanity above all else, remembering those who had died and survived in the Holocaust, and preventing a similar event from ever happening; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes January 27, 2019 as Holocaust Remembrance Day and a citywide day of Holocaust Education in New York City.

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

Int. No. 1302

By Council Member Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a minimum base rate for trips dispatched by high-volume for-hire services in the congestion zone**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 19-549 of the administrative code of the city of New York, as added by local law number 150 for the year 2018, is amended to read as follows:

d. *The commission shall by rule establish a minimum base rate to be charged to a passenger for any trip dispatched by a high-volume for-hire service that originates, terminates or passes through the congestion zone, as defined in section 1299 of the tax law. Such minimum base rate shall be no less than the sum of the charge for the initial unit of the metered rate of fare, as established in subparagraph (i) of paragraph (1) of subdivision (a) of section 58-26 of title 35 of the rules of the city of New York, and any taxes, fees or surcharges imposed on trips made by vehicles licensed by the commission. In establishing such minimum base rate, the commission shall consider how the minimum base rate shall apply to pool vehicles, as defined in section 1299 of the tax law.* Following completion of the study required by section 19-550, the commission shall determine whether the establishment of minimum rates of fare to be charged by vehicles licensed by the commission, *in addition to the minimum base rate established pursuant to this section*, would substantially alleviate any of the problems identified in such study. If the commission determines that such minimum rates of fare would have such an effect, the commission is authorized to establish by rule such minimum rates of fare, *provided that such minimum rates of fare shall be no less than the minimum base rate established pursuant to this section.* In setting such minimum rates of fare, the commission may consider the category of vehicle, the type of trip, including trips in which the vehicle is available for the transportation of two or more passengers, the rates of fare for other categories of vehicles carrying passengers for hire, including but not limited to taxicabs, the location of the trip, including trips originating, terminating or passing through the hail exclusionary zone, as defined in section 51-03 of title 35 of the rules of the city of New York, and any other factors the commission determines to be appropriate to achieve their intended result. [Such minimum rates of fare shall not include any taxes, fees or surcharges imposed on trips made by vehicles licensed by the commission.] The commission shall, on a periodic basis, but not less than once annually, review such minimum rates of fare in order to determine whether any amendment of such minimum rates of fare is warranted or necessary in order for such minimum rates of fare to continue to achieve their intended result. If the commission determines that such an amendment is warranted or necessary, it is hereby authorized, by rule, to promulgate such amendment.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on For-Hire Vehicles.

Preconsidered Int. No. 1303

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

**A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of**

**submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2019 and in relation to the 2020 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 21, 2019, and the council shall conduct public hearings on such report prior to April 30, 2019 and submit to the mayor and make public not later than April 30, 2019, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 7, 2019.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 7, 2019.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 7, 2019.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 218 for the year 2017, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 7, 2019.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 22, 2019.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 8, 2019.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 8, 2019.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 8, 2019.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 19, 2019.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than April 1, 2019.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 1, 2019.



13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 5, 2019.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 16, 2019.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 1, 2019.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of November 1, 2018.

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

Int. No. 1304

By Council Members Dromm and Ampry-Samuel.

**A Local Law to amend the New York city charter, in relation to authorizing council members and the public advocate to visit and inspect detention facilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 24-b of the New York city charter is amended by adding a new section 620 to read as follows:

*§ 620 Council members and public advocate authorized to visit secure detention facilities. Any council member and the public advocate are authorized to inspect and visit at any time any secure or non-secure detention facility, as defined in section 21-901 of the administrative code, administered in whole or in part by the administration for children's services.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on General Welfare.

Int. No. 1305

By Council Members Dromm and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to requirements and enforcement of newsrack provisions**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions e and f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, are amended to read as follows:

e. Maintenance, continuous use, repair and removal. 1. [Any person who owns or is in control of a newsrack shall certify once every four months to the commissioner on forms prescribed by the commissioner that each newsrack under his or her ownership or control has been repainted, or that best efforts have been made to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions at least once during the immediately preceding four month period. Such person] (a) *Each newsrack shall be kept*

*in good repair and shall be maintained in a clean and neat condition by removing graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions.*

(b) *The owner shall maintain a log in which the maintenance and repair measures required by subparagraph a of this paragraph and the dates and times when they are taken are recorded in accordance with a format approved or set forth by the commissioner. [Such person] The owner shall maintain records for a period of three years documenting the use of materials, employees, contractors, other resources and expenditures utilized for the purpose of demonstrating the [repainting or best efforts of such person to remove] removal of such graffiti or other unauthorized writing, painting, drawing[,] or other markings or inscriptions. [Such person] The owner shall, solely for the purposes of complying with the provisions of this paragraph, make such log and such records, and only such log and such records, available to the department for inspection and copying during normal and regular business hours and shall deliver copies to the department upon its request. [Such inspection may only be conducted by the department once per certification period.] If the department determines that such [certification,] log and records do not accurately demonstrate [that an owner or person in control of a newsrack has repainted or used best efforts for such purposes] the removal of graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions as required by this paragraph, or upon a determination by the department that an owner [or such person] failed to comply with any other provision of this paragraph, the department shall issue a notice of violation in accordance with subparagraph b-1 of paragraph [one] 1 of subdivision f of this section.*

2. *[Any person who owns or is in control of a newsrack shall use best efforts to ensure that each newsrack under his or her ownership or control is not] In order to prevent a newsrack from being used as a depository for [the placement of refuse and] refuse, the owner shall [be required to] remove any refuse placed within such newsrack within [forty-eight] 48 hours of receipt of a notice of correction from the commissioner as provided in subparagraph a of paragraph [one] 1 of subdivision f of this section regarding such condition.*

3. *[In no event shall the owner or person in control of a newsrack fail to keep such newsrack supplied with written matter for a period of more than seven consecutive days without securing the door so as to prevent the deposit of refuse therein. In no event shall such newsrack remain empty for a period of more than thirty consecutive days.] The owner shall maintain the supply of the publication offered for distribution in such newsrack consistent with the publication delivery schedule submitted pursuant to subdivision c of this section. If the department finds upon inspection that a single newsrack does not contain the publication offered for distribution in such newsrack and contains refuse within a 24-hour period before and a 24-hour period after the publication delivery date as listed in the delivery schedule, the department shall issue a notice of violation in accordance with subparagraph b-1 of paragraph 1 of subdivision f of this section.*

4. *Any newsrack that has been damaged or is in need of repair shall be repaired, replaced or removed by the owner [or person in control of such newsrack] within seven business days of receipt of a notice of correction from the commissioner as provided in subparagraph a of paragraph [one] 1 of subdivision f of this section regarding such damage or need for repair. If such newsrack has been damaged, or if it is in a state of disrepair, such that it constitutes a danger to persons or property, it shall be made safe within [a reasonable time following receipt of such] 48 hours of receipt of a notice of correction from the commissioner regarding such condition.*

5. *[Any] The owner shall promptly repair any damage to city property resulting from the placement, installation, maintenance or removal of a newsrack [shall be repaired promptly by the owner or person in control of such newsrack] of such owner. If a newsrack is removed from its location on a sidewalk, the owner [or person in control] of such newsrack shall be responsible for restoring the sidewalk and any other affected city property to the condition existing prior to installation of that newsrack.*

f. Enforcement. 1. (a) *Notice of correction.* Whenever any newsrack is found to be in violation of any provision of [subdivision b of this section or paragraphs two, three, four or five of subdivision e of this section] (i) subdivisions b, g, k, n or o; (ii) subparagraph (a) of paragraph 1 of subdivision e; (iii) paragraphs 2, 4 or 5 of subdivision e; or (iv) paragraph 1 of subdivision 1 of this section, the commissioner shall issue a notice of correction specifying the date and nature of the violation and shall send written notification, by regular mail, to the owner [or person in control] of the newsrack. In addition, the commissioner may send a copy of [such] the notice of correction by *electronic mail to the owner*, to a person designated by such owner [or person] to receive such notice, or both [and/or the commissioner may send such notice by electronic mail to such owner or such person specifying the date and nature of the violation]. However, failure to send

[a] *such* copy [by regular or electronic mail] will not extend the time period within which such owner [or other person] is required by any provision of this section to take action, nor will such failure result in the dismissal of a notice of violation issued pursuant to any provision of this section. The commissioner shall cause photographic evidence of [such] *the* violation to be taken *except for violations of paragraph 1 of subdivision l or subdivision o of this section*. Such evidence shall be sent by regular mail together with the notice of correction. Except as otherwise provided for the removal of refuse in paragraph [two] 2 of subdivision e of this section *and the making safe of newsracks that are damaged or in need of repair pursuant to paragraph 4 of subdivision e of this section*, [such person] *the owner* shall within seven business days from the date of receipt of notification via regular mail cause the violation to be corrected. For the purposes of this section, a notice of correction shall be deemed to have been received five days from the date on which it was mailed by the commissioner.

(b) *Notice of violation*. If an owner [or other person in control of a newsrack] fails to comply with a notice of correction issued pursuant to subparagraph [a] (a) of this paragraph [or an order by the commissioner to remove served pursuant to paragraph three of this subdivision], a notice of violation returnable to the board shall be served on such owner [or person in control of such newsrack]. No notice of violation shall be issued for the failure to comply with a notice of correction issued pursuant to subparagraph [a] (a) of *this* paragraph [one of this subdivision] unless the commissioner has caused [a second] *an* inspection of the violation to take place within a period of time that commences on the day after the applicable period for correcting such violation expires and ends [fourteen] *14* days after such day. In addition, the commissioner may send to such owner [or other person in control of such newsrack], by electronic mail, photographic evidence of [such] *the* violation taken at such [second] inspection. Failure to send such photographic evidence by electronic mail will not result in the dismissal of a notice of violation issued pursuant to any provision of this section.

(b-1) Failure by an owner [or a person in control of a newsrack] to comply with subdivision c or d [of this section, failure by such owner or person to certify or failure to accurately demonstrate that such owner or person has repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by], *subparagraph (b) of paragraph [one] 1 of subdivision e, or paragraph 3 [three] of subdivision e of this section, or failure to remove any newsrack as ordered pursuant to paragraph 3 of this subdivision*, shall be a violation and shall be subject to the applicable penalties provided in paragraph [six] 6 of this subdivision. A proceeding to recover any civil penalty authorized by this subparagraph shall be commenced with service on such owner [or person] of a notice of violation returnable to the board. The commissioner shall not be required to issue a notice of correction before issuing or serving a notice of violation pursuant to this subparagraph.

(c) *Violation hearing*. If the return date of a notice of violation issued pursuant to subparagraph (b) or (b-1) of this paragraph is more than five business days after the service of such notice, the board shall, upon the request of the [respondent] *owner*, in person at the office of the board, provide a hearing on such violation prior to such return date and no later than five business days after the date of such request. At the time set for such hearing, or at the date to which such hearing is continued, the board shall receive all evidence relevant to the occurrence or non-occurrence of the specified [violation(s)] *violation or violations*, the compliance or noncompliance with any of the provisions of this section, and any other relevant information. Such hearing need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation. Within five business days after the conclusion of the hearing, the board shall render a decision, based upon the facts adduced at said hearing, whether any violations of this section have occurred. The decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The board shall send *a copy of its decision and order* to the owner [or person in control of the newsrack] by regular mail[, a copy of its decision and order].

2. (a) [If] *Except as otherwise provided in this paragraph, if* the board renders a decision upholding the finding of a violation against the [respondent] *owner* upon default or after a hearing held pursuant to paragraph [one] 1 of this subdivision[, other than a decision finding a violation of the provisions of paragraph one of subdivision e of this section,] and the violation is not remedied within seven days of receipt of the decision of the board, the commissioner or his or her designee is authorized to provide for the removal of such newsrack and any contents thereof to a place of safety. For purposes of this subparagraph, a decision shall be deemed to have been received five days from the date on which it was mailed. If such newsrack and any contents thereof

are not claimed *by their owner* within [thirty] 30 days after their removal [by a person entitled to their return], they shall be deemed to be abandoned and [may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of] *the provisions of paragraph 4 of this subdivision shall apply*, and the owner [or person in control shall be liable to the City for the costs of removal and storage and] shall be subject to a civil penalty pursuant to subparagraph a of paragraph [six] 6 of subdivision f of this section. Newsracks and the contents thereof that are removed pursuant to this subparagraph shall be released to the owner [or other person lawfully entitled to possession] upon payment of the costs for removal and storage and any civil penalty or, if an action or proceeding concerning the violation is pending, upon the posting of a bond or other form of security acceptable to the department in an amount that will secure the payment of such costs and any penalty that may be imposed hereunder.

(b) If the board renders a decision upholding the finding of a violation against the [respondent] *owner* for having failed to [certify, or having failed to] accurately demonstrate that such [respondent repainted or used best efforts to remove graffiti] *owner removed graffiti* and other unauthorized writing, painting, drawing, or other markings or inscriptions or having failed to comply with any other provision of paragraph [one] 1 of subdivision e of this section, the board shall impose a penalty in accordance with subparagraph [b] (b) of paragraph [six] 6 of this subdivision.

(c) *If the board renders a decision upholding the finding of a violation of subdivision o of this section against the owner for unlawfully charging a fee for use of its modular newsrack, the board shall direct such owner to refund all improperly charged fees and the board shall impose penalties in accordance with paragraph 6 of this subdivision.*

(d) *If the board renders a decision upholding the finding of a violation of subdivision k of this section against the owner, the department shall suspend or revoke the owner's modular newsrack plan and may request the removal of all modular newsracks installed pursuant to such plan. If the board renders a decision upholding the finding of a violation of paragraph 1 of subdivision l of this section against the owner, the department may modify, suspend, or revoke the owner's modular newsrack plan. Upon the suspension or revocation of the modular newsrack plan, the restrictions on the placement of single newsracks contained in subdivision n of this section shall not apply to the part of the community district or business improvement district to which the plan applies.*

3. *Order to remove newsrack.* The commissioner may, upon notice, serve an order upon the owner [or other person in control of a newsrack] requiring such [person] *owner* to remove or cause to be removed such newsrack within seven business days of receipt of such order where such removal is required because the site or location at which such newsrack is placed is used or is to be used for public utility purposes, public transportation, or public safety purposes, or when such newsrack unreasonably interferes with construction activities in nearby or adjacent buildings, or if removal is required in connection with a street widening or other capital project or improvement. If such [person] *owner* does not remove such newsrack within seven business days of receipt of such order, *the commissioner or his or her designee may provide for the removal of such newsrack to a place of safety and the provisions contained in subparagraphs [b] (b-1) and [c] (c) of paragraph [one] 1 of this subdivision [and subparagraph a of paragraph two of this subdivision regarding issuance of a notice of violation and alternatives for removal, storage, abandonment, disposal, and release,] shall apply. If a decision is rendered at an administrative hearing brought pursuant to subparagraph (c) of paragraph 1 of this subdivision in favor of such owner, such newsrack shall be returned within 10 days to the location from which it was removed by the commissioner or his or her designee and the owner shall not be charged with the reasonable costs of removal and storage payable prior to the release of such newsrack and the contents thereof. If a decision is rendered against the owner, including upon default, such newsrack and any contents thereof not claimed within 30 days after the date of removal by its owner shall be deemed to be abandoned and the provisions contained in paragraph 4 of this subdivision shall apply.*

4. Abandoned newsracks. Notwithstanding any other provision of law to the contrary, if a newsrack has been deemed to have been abandoned in accordance with this paragraph, the commissioner, his or her designee, an authorized officer or employee of any city agency or a police officer is authorized to provide for the removal of such newsrack and it may [either] be sold at public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of, *and the owner shall be liable to the city for the costs of*

*removal and storage.* A newsrack shall be deemed to have been abandoned for purposes of this paragraph if the name, address or other identifying material of the owner [or other person in control of such newsrack] is not affixed to such newsrack as required by paragraph [four] 4 of subdivision b of this section and such owner [or other person] has not submitted to the commissioner the information required in [clauses (ii) and (iii) of] subparagraph [a] (a) of paragraph [one] 1 of subdivision c of this section; *or as otherwise provided in this section or department rules.*

5. *Removal for emergency circumstances.* (a) Where emergency circumstances exist and the commissioner or his or her designee gives notice to the owner [or other person in control of a newsrack] to remove such newsrack, such [person] owner shall comply with such notice. For the purposes of this paragraph, emergency circumstances shall mean circumstances which present an imminent threat to public health or safety.

(b) If any owner [or other person in control of a newsrack] does not remove such newsrack when directed to do so pursuant to the provisions of subparagraph [a] (a) of this paragraph, or if circumstances are such that public safety requires the immediate removal of a newsrack and it is not reasonable to give the owner [or other person in control of such newsrack] notice prior to removal, the commissioner or his or her designee may provide for the removal of such newsrack to a place of safety. Unless an administrative proceeding brought pursuant to subparagraph [c] (c) of this paragraph has terminated in favor of such owner [or other person in control of such newsrack], such owner [or other person in control of such newsrack] may be charged with the reasonable costs of removal and storage payable prior to the release of such newsrack and the contents thereof.

(c) If an owner [or other person in control of a newsrack] fails to comply with a notice issued pursuant to subparagraph a of this paragraph to remove such newsrack, a notice of violation returnable to the board shall be served on such owner [or person in control of such newsrack]. If the newsrack has been removed by the city pursuant to subparagraph [b] (b) of this paragraph, such notice of violation shall be served immediately after removal, and, if the return date of the notice of violation is more than five business days after the service of such notice, the board shall, upon the request of the [respondent] *owner*, in person at the office of the board, provide a hearing on such violation prior to such return date and no later than five business days after the date of such request. The hearing shall take place under the provisions set forth in [subparagraphs b and c] *subparagraph (c)* of paragraph [one] 1 of this subdivision and a decision shall be rendered by the board within five business days after the conclusion of the hearing. If a decision is rendered at such hearing that emergency circumstances did not exist, such newsrack shall be returned within ten days to the location from which it was removed by the commissioner or his or her designee. If a decision is rendered against the [respondent] *owner* upon default or after a hearing that such emergency circumstances existed, such newsrack and the contents thereof shall be released to [the] *such* owner [or other person lawfully entitled to possession]. If, after a board decision that removal was proper, such newsrack and any contents thereof are not claimed within [thirty] 30 days after the date of removal by [a person entitled to their return] *the owner*, such newsrack and any contents thereof shall be deemed abandoned and [may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of] *the provisions contained in paragraph 4 of this subdivision shall apply.*

6. *Civil penalties.* (a) Any owner [or person in control of a newsrack] found to be in violation of any provision of this section shall, after a board decision has been issued upon default or after a hearing, be subject to a civil penalty in the amount of (i) no less than [fifty dollars] \$50 and no more than [one hundred dollars] \$100 for each violation for a specific newsrack of any of the provisions of paragraphs [two, three, four or five] 2, 3, 4 or 5 of subdivision e of this section or paragraph [four] 4 of subdivision b of this section, except that [a person] *an owner* found in violation of any of such provisions after a decision of the board issued on default shall be subject to a penalty of no less than [one hundred dollars] \$100 and no more than [five hundred dollars] \$500; (ii) no less than [five hundred dollars] \$500 and no more than [four thousand dollars] \$4,000 for each violation of paragraph [one] 1 of subdivision c of this section; [and] (iii) no less than [one hundred dollars] \$100 and no more than [five hundred dollars] \$500 for each violation of [paragraphs one, two, three, five, six and seven] *paragraph 1, 2, 3, 5, 6 or 7* of subdivision b of this section, *and for each violation of subdivision g, k, l, n or o of this section.*

(b) Any owner [or person in control] of one or more newsracks found by the board to have failed to [certify, or to have failed to] accurately demonstrate that such owner or person [repainted or used best efforts to remove graffiti] *removed all graffiti* and other unauthorized writing, painting, drawing[,] or other markings

or inscriptions, as required by paragraph [one] 1 of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph [two or three] 2 or 3 of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in accordance with the number of *such owner's* newsracks [such person owns or controls] as [follows:] *set forth in the table of civil penalties.*

[Number of newsracks owned or controlled by such person	A violation of paragraph one of subdivision e, paragraph two of subdivision c or subdivision d of this section
Up to and including ninety-nine newsracks	Two hundred fifty to five hundred dollars
More than ninety-nine and less than two hundred fifty newsracks	Three hundred seventy-five to seven hundred fifty dollars
More than two hundred forty-nine and less than five hundred newsracks	Seven hundred fifty to one thousand five hundred dollars
More than four hundred ninety-nine and less than seven hundred fifty newsracks	One thousand one hundred twenty-five to two thousand two hundred fifty dollars
More than seven hundred forty-nine and less than one thousand newsracks]	One thousand five hundred to three thousand dollars

<i>TABLE OF CIVIL PENALTIES</i>		
<i>Number of newsracks</i>	<i>Violation of paragraph 1 of subdivision e, paragraph 2 or 3 of subdivision c, or subdivision d of this section</i>	
	<i>Minimum</i>	<i>Maximum</i>
<i>1 to 99</i>	<i>\$250</i>	<i>\$500</i>
<i>100 to 249</i>	<i>\$375</i>	<i>\$750</i>
<i>250 to 499</i>	<i>\$750</i>	<i>\$1,500</i>
<i>500 to 749</i>	<i>\$1,125</i>	<i>\$2,250</i>
<i>750 to 999</i>	<i>\$1,500</i>	<i>\$3,000</i>
<i>1000 or more</i>	<i>\$2,000</i>	<i>\$4,000</i>

7. *Repeat violations.* The commissioner shall remove or cause to be removed from any sidewalk for a period of three consecutive months, every newsrack and the contents thereof [under the ownership or control] of any [person who] *owner deemed to have repeatedly* [violates] *violated* any provision or provisions of this [subdivision] *section*. For purposes of this paragraph, [a person] *an owner* shall be deemed to have repeatedly violated this section if such [person] *owner* has been determined by the board, upon default or after a hearing, to have violated the provisions of this section [ten] 10 or more times within any six-month period [and that] *or if* such [person] *owner* has failed to pay three or more civil penalties imposed during that same time period. [For purposes of this paragraph, a person shall also be deemed to have repeatedly violated this section if such person is determined by the board, upon default or after a hearing, to have failed to make the certification

required by paragraph one of subdivision e of this section or to have failed to accurately demonstrate that such person repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions as required by such paragraph in each of two consecutive certification periods in any two year period or three times in any two-year period.] The department shall maintain a record of all [persons] *owners* who repeatedly violate any provision or provisions of this [subdivision] *section*. In the event that the commissioner removes or causes to be removed all *of an owner's* newsracks and the contents thereof [under the ownership or control of any person] based upon this paragraph, such [person] *owner* shall be permitted to replace all such newsracks at the locations from which they were removed upon payment in full of all outstanding civil penalties imposed for violations of this section and the reasonable costs of removal and storage, provided that such newsracks meet the requirements of this section. If any newsracks or contents thereof removed pursuant to this paragraph are not claimed within [thirty] 30 days after the expiration of the three-month removal period, such newsracks or the contents thereof shall be deemed abandoned and [may be either sold at public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency or otherwise disposed of] *the provisions of paragraph 4 of this subdivision shall apply*.

8. In giving any notice of correction or serving any [commissioners] order required under this section, except as otherwise provided by law, the commissioner may rely on the validity of any address [(a)] *(i)* posted on the newsrack pursuant to paragraph [four] 4 of subdivision b of this section as the address of the owner [or person in control of the newsrack] or [(b)] *(ii)* submitted to the department pursuant to subdivision c of this section, and shall provide such notice by regular mail. If the owner [of a newsrack or person in control of a newsrack shall have] *has* failed to comply with paragraph [four] 4 of subdivision b or with subdivision c of this section, the commissioner shall make reasonable efforts to ascertain the identity and address of the owner [or person in control of such newsrack] for the purpose of giving any required notice, and having done so, may take action as if any required notice had been given.

9. Nothing in this section shall preclude the immediate removal of a newsrack when otherwise authorized by law.

§ 2. If any 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 is deemed severable, and such unconstitutionality or invalidity does not affect the validity of the remaining portions of this law, which continues in full force and effect.

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Preconsidered Res. No. 674

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

By Council Member Dromm.

**Whereas**, On June 14, 2018 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

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

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

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019, Fiscal 2018, and Fiscal 2017 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Center for Court Innovation Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2019 Expense



Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 674 printed in these Minutes).

Int. No. 1306

By Council Members Gibson, Yeger, Ampry-Samuel, King, Salamanca, Ayala, Cornegy, Perkins, Lancman and Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to conducting remote meetings for purposes of reviewing and revising independent living plans**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-324 to read as follows:

§ 21-324 *Independent living plans. a. Definitions. As used in this section, the following terms have the following meanings:*

*Shelter. The term "shelter" means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. Remote meetings. Consistent with rules promulgated by the commissioner, an individual subject to an independent living plan, as defined in section 352.35 of Title 18 of the New York codes, rules, and regulations, may participate in a meeting to review and revise such plan with the department or a shelter by telephone.*

*c. Rulemaking. The commissioner may promulgate rules and regulations necessary to carry out the provisions of this section.*

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

Referred to the Committee on General Welfare.

Int. No. 1307

By Council Members Lander, Williams, Van Bramer, Ayala and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting non-disclosure agreements relating to development projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 the administrative code of the city of New York is amended by adding a new section 6-143 to read as follows:

*§ 6-143 Non-disclosure agreements relating to city development projects prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*City development project. The term “city development project” means a project undertaken by the city or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes.*

*City economic development entity. The term “city economic development entity” means a local development corporation, not-for-profit organization, public benefit corporation or other entity that provides or administers economic development benefits on behalf of the city pursuant to paragraph b of subdivision 1 of section 1301 of the charter.*

*Developer. The term “developer” means any person that owns or leases real property that is part of a city development project, or any assignee or successor in interest of such real property.*

*Project agreement. The term “project agreement” means a legal binding written agreement between the city or city economic development entity and a developer providing for economic development benefits targeted to a city development project.*

*b. The city or a city economic development entity shall not, at any point during negotiations with a prospective developer regarding a prospective city development project, enter into any agreement or contract containing any provision, clause or language that prevents disclosure of any information or record relating to such city development project. The provisions of this subdivision apply to (i) any agreement or contract relating to a prospective city development project entered into by the city or a city economic development entity prior to the execution of a project agreement and (ii) any project agreement entered into by the city or a city economic development entity.*

*c. Any provision, clause or language contained in any agreement or contract entered into by the city or a city economic development entity that violates this section has no force and effect.*

*d. Nothing in this section requires disclosure of information that is otherwise prohibited or exempted from disclosure by applicable federal, state or local law.*

*e. This local law does not apply to any project agreement executed prior to the effective date of this local law, except that extension, renewal, amendment or modification of such project agreement, occurring on or after the effective date of this local law, that results in the grant of any additional economic development benefits to a developer shall make such developer subject to the requirements of this local law.*

*§ 2. This local law takes effect 180 days after it becomes law.*

Referred to the Committee on Economic Development.

Int. No. 1308

By Council Member Levine, Rosenthal, Powers, Yeger, Chin, Richards, Cohen, Levin and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to redacting the name of physicians whose license has been suspended, surrendered or revoked from birth certificates**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 17-169 of title 17 of the administrative code of the city of New York as amended by local law 163 for the year 2018, is amended by adding a new paragraph 3 to read as follows:

3. *Where an attending physician's license to practice medicine has been suspended, surrendered or revoked by the New York State Office of Professional Medical Conduct, a certified copy of the record of birth shall be issued upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or to the legal representative of the person to whom the record of birth relates or by an attorney of law authorized in writing by the person if of the age of eighteen years or over to whom the record of birth relates by the department with the identity of such physician redacted. Nothing in this clause requires an order from a court of competent jurisdiction.*

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

Referred to the Committee on Health.

Int. No. 1309

By Council Member Richards.

**A Local Law in relation to requiring the police department to study the impacts of implementing an internal disciplinary matrix**

*Be it enacted by the Council as follows:*

Section 1. Internal disciplinary matrix. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Disciplinary matrix. The term “disciplinary matrix” means a guideline for sanction options for police department personnel when there is a sustained violation of the rules of conduct or other policies.

b. Internal disciplinary matrix study. Within 90 days of the date this local law takes effect, the police department shall prepare and file with the mayor and the speaker of the council, and post on its website, a report on:

1. The feasibility of instituting an internal disciplinary matrix in response to violations of police department rules of conduct;
2. The procedure for implementing an internal disciplinary matrix; and
3. The potential impact of implementing such a matrix.

c. After completing the study required by subdivision b of this section, the police department shall develop and submit to the mayor and the speaker of the council a report on the results of its study, recommendations of how disciplinary measures may be improved to ensure fairness and a plan for implementing an internal disciplinary matrix.

§ 2. This local law takes effect immediately and expires and is deemed repealed 120 days after a report has been submitted in accordance with subdivision c of section 1 of this local law.

Referred to the Committee on Public Safety.

## Res. No. 675

**Resolution calling on the United States Congress to pass and the President to sign H.R. 6048/S.3033, also known as the Counting Our Unexpected Natural Tragedies Victims Act of 2018, which would require the Federal Emergency Management Agency to contract with the National Academy of Medicine to study best practices for mortality counts after major disasters.**

By Council Member Rivera.

**Whereas**, Hurricane Maria, a category five hurricane, struck Puerto Rico on September 20, 2017 with winds over 175mph and 30 inches of rain that caused power outages, flash flooding, and catastrophic infrastructure damage, and

**Whereas**, Hurricane Maria brought long-lasting, devastating effects to Puerto Rico, which hampered the delivery of supplies, created major food and gas shortages, and decimated the island's electrical grid resulting in loss of power to most sections of the island for months.

**Whereas**, According to the New York Times, the United States government estimates that 2,975 people died as a result of Hurricane Maria and its effects, which is significantly greater than the government's original estimate of 64; and

**Whereas**, By comparison, Hurricane Katrina, which struck the Gulf Coast in 2005, is thought to have killed anywhere from 1,000 to more than 1,800 individuals; and

**Whereas**, According to National Public Radio, the Puerto Rican government estimates that it will cost \$139 billion for the island to make a full economic recovery from Hurricane Maria; and

**Whereas**, The full and accurate count of fatalities from unexpected natural disasters is necessary to determine the disbursement of federal dollars in rebuilding and recovery efforts; and

**Whereas**, H.R. 6048, also known as the "Counting Our Unexpected Natural Tragedies Victims Act of 2018" or "COUNT Victims Act", introduced by United States Congresswoman Nydia Velazquez, and S.3033, introduced by United States Senator Kamala Harris, would require the Federal Emergency Management Agency to contract with the National Academy of Medicine to study best practices for mortality counts after major disasters; and

**Whereas**, The COUNT Victims Act, would seek to establish: (i) an equitable and timely attribution, in order to, among other things, facilitate access to available benefits; (ii) timely prospective tracking of population levels of mortality and significant morbidity in order to continuously inform response efforts; and (iii) study disaster-related mortality and significant morbidity to inform after-action analysis and improve subsequent preparedness efforts; and

**Whereas**, The Count Victims Act would authorize the appropriation of \$2,000,000 for fiscal years 2018 through 2020 to conduct the study of best practices for mortality counts after major disasters; 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 H.R. 6048/S.3033, also known as the Counting Our Unexpected Natural Tragedies Victims Act of 2018, which would require the Federal Emergency Management Agency to contract with the National Academy of Medicine to study best practices for mortality counts after major disasters.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 1310

By Council Members Rose, Torres, Ayala, Rosenthal, Williams, Eugene, Moya, Adams and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to child protective caseloads and workloads action plan**

*Be it enacted by the Council as follows:*

Section 1. Section 21-902.2 of the administrative code of the city of New York, as added by local law number 18 for the year 2018, is amended to read as follows:

§ 21-902.2 Child Protective Caseload and Workload Study. a. By March 31, 2019, ACS shall complete a study regarding child protective caseloads and workloads. Such study shall include, but need not be limited to:

1. Examination of the key milestones and tasks required in a child protective investigation and time spent on each milestone or task;
2. Analysis of how case factors impact case complexity, including but not limited to type of allegation, number of children, and prior ACS involvement;
3. Examination of the relationship between the data described in paragraphs 1 and 2 of subdivision a of this section and child safety outcomes;
4. Assessment of best practices in caseload and workload standards that improve child safety and wellbeing outcomes; and
5. Recommendations for how ACS will implement best practices to structure business processes to assign and balance caseloads and workloads.

b. By September 30, 2019, ACS shall report its findings and recommendations to the speaker of the council.

c. *By September 30, 2019, ACS, in consultation with the department of investigations and experts in child safety and child welfare, shall create an action plan to implement its recommendations pursuant to this section. Such action plan shall include information on how ACS will implement best practices related to the maximum number of cases a child protective specialist can manage to improve child safety and wellbeing outcomes. By September 30, 2019, ACS shall publish such action plan on its website and submit to the speaker of the council. No later than September 30, 2020, and no later than September 30 every two years thereafter, ACS shall report to the speaker of the council on efforts it has undertaken to implement the action plan. Such reports shall be made publically available online.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1311

By Council Members Rosenthal and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring immediate disclosure of certain large contract modifications**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 6-133 of Chapter 1 of title 6 of the administrative code of the city of New York is amended to read as follows:

d. Notifications pursuant to this section shall be provided on a quarterly basis sorted by project within forty-five days of the end of the calendar quarter within which the comptroller registered such contract action, *except that notifications for contract modifications or extensions that exceed the original contract maximum expenditures by twenty percent or more shall be provided to the council immediately.*

§2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Contracts.

Int. No. 1312

By Council Member Rosenthal.

**A Local Law in relation to a study on best value contracting**

*Be it enacted by the Council as follows:*

Section 1. By March 1, 2019, the mayor's office of contract services, in consultation with any other relevant agencies or offices, shall submit electronically to the mayor and the speaker of the council and make publicly available online, a report determining the efficacy of awarding all eligible city contracts on the basis of best value as such term is defined in section 163 in the state finance law. Such report shall include, at a minimum, an analysis of the potential economic impact of awarding all eligible city contracts on the basis of best value and any regulatory barriers thereto.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Res. No. 676

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would require NYCHA to conduct annual evaluations of agency property employees.**

By Council Members Salamanca, Ampry-Samuel, Torres and Ayala,

**Whereas**, The New York City Housing Authority (NYCHA) is the nation's largest public housing authority and provides housing to over 400,000 New Yorkers; and

**Whereas**, NYCHA has struggled for years to modernize its management and to hold its property managers accountable for decisions affecting the properties where they work; and

**Whereas**, NYCHA's failure to detect and remediate lead paint in thousands of apartments and its noncompliance with federal requirements to inspect for hazardous lead reflects a failure of management, resulting in elevated blood lead levels in 820 children under the age of six; and

**Whereas**, NYCHA's failure to maintain and repair boilers, and its failure to accurately track and complete work orders for heat and hot water outages, has resulted in the failure of NYCHA to provide adequate heat and hot water to hundreds of thousands of residents during the 2017-2018 heating season; and

**Whereas**, NYCHA failure to remediate and abate mold in apartments has resulted in recurring mold conditions at NYCHA apartments and health problems for residents; and

**Whereas**, NYCHA failed to provide necessary repairs at Throggs Neck Houses and concurrently failed to appropriately respond to complaints from residents and staff about the sex scandal at Throggs Neck Houses; and

**Whereas**, NYCHA employees, including property managers, assistant managers, superintendents, and caretakers are responsible for the overall operation of 326 developments at NYCHA; and

**Whereas**, Legislation requiring an annual evaluation would allow NYCHA to ensure that performance standards are being met; and

**Whereas**, NYCHA has stated that it needs to set performance standards and metrics for all of its staff; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would require NYCHA to conduct annual evaluations of agency employees.

Referred to the Committee on Public Housing.

Int. No. 1313

By Council Members Torres, Cornegy, Deutsch, Ampy-Samuel and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to affordable housing for residents whose households were lost due to a fire**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

**CHAPTER 23**  
**AFFORDABLE HOUSING UNITS FOR PERSONS DISPLACED BY FIRE**

*§ 26-2301 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Affordable housing unit. The term “affordable housing unit” means a dwelling unit that is (i) required, pursuant to a federal, state or local law, rule or program administered by the city or an agreement with the city or a person acting on the city’s behalf, to be affordable for an extremely low income household, a very low income household, a low income household, a moderate income household or a middle income household and (ii) operates pursuant to an agreement administered by the department.*

*City-financed housing. The term “city-financed housing” means a multiple dwelling being rehabilitated or constructed after the effective date of this local law, in conjunction with a state, federal or local program to produce an affordable housing unit, which has received or is expected to receive financial assistance.*

*Financial assistance. The term “financial assistance” means assistance, whether discretionary, or as of right, to create or maintain an affordable housing unit, including but not limited to loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value, or other thing of value allocated, conveyed or expended by the city.*

*Department. The term “department” means the department of housing preservation and development.*

*Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term in the housing maintenance code.*

*§ 26-2302 Housing set aside for persons displaced by fire. a. Notwithstanding any other provision of law, for city-financed housing that has or is expected to receive financial assistance, the department shall require that any dwelling unit in such city-financed housing that is vacant on the date that a person, who as the result of a fire has been displaced, applies to acquire such dwelling for purchase or lease be set aside to be acquired through purchase or lease by such person, provided that such person has met the income eligibility criteria required for such city-financed housing. Any such vacant dwelling unit shall be located in the community district where such fire occurred or in a community district adjacent to the community district where such fire occurred. If no such vacant dwelling unit is available in the community district where such fire occurred or any adjacent community district, such vacant dwelling unit shall be located in the borough where such fire occurred.*

*b. Any person who was displaced as the result of a fire and applies for a vacant dwelling unit in city-financed housing pursuant to subdivision a shall have been displaced no earlier than one year from the date in which they apply for such housing and have demonstrated to the satisfaction of the department that they do not currently own or lease a home.*

*c. The department, in conjunction with the fire department, shall maintain a list of persons who have been displaced by a fire during the immediately preceding two years and shall develop an outreach program that shall inform such persons about the potential availability of vacant dwelling units in city-financed housing set aside for persons who have been displaced by a fire. The content of such outreach program shall be posted on the website of the department and updated periodically.*

*§ 26-2303 Reporting. The department shall maintain and periodically update a database of current city-financed housing dwelling units that are vacant and are available for lease or purchase by persons who have been displaced due to a fire pursuant to the requirements of section 26-2302. By July 1, 2019 and every six*

*months thereafter, the department shall report to each council member on the availability of such dwelling units in such council member's district. Such report shall include, but not be limited to:*

- 1. the contact information for the individual or entity in control of such vacant dwelling unit;*
- 2. the addresses of such vacant dwelling unit; and*
- 3. the cost of purchasing or leasing such vacant dwelling unit.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1314

By Council Members Williams and Adams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record, pending charges or criminal conviction**

*Be it enacted by the Council as follows:*

Section 1. The definition of "employer" in section 8-102 of title 8 of the administrative code of the city of New York, as amended by local law number 98 for the year 2018, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 10, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term "employer" does not include any employer with fewer than four persons in the employ of such employer, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 2. Section 8-102 of title 8 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended by adding a new definition of "public agency" to read as follows:

*Public agency. For purposes of subdivisions 9, 10, 10-a, 11, 11-a, and 11-b, the term "public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.*

§ 3. Subparagraph (4) of paragraph (a) of subdivision 9 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

(4) For any person to *make any inquiry in writing or otherwise about, or deny any license, registration or permit to any applicant, or act adversely upon any holder of a license, registration or permit by reason of such applicant or holder having been arrested or accused of committing a crime,* when such *inquiry, denial or adverse action* is in violation of subdivision 16 of section 296 of article 15 of the executive law.

§ 4. Paragraph (a) of subdivision 9 of section 8-107 of the administrative code of the city of New York is amended by adding a new subparagraph (4-a) to read as follows

*(4-a) Unless specifically required by law, for any person to make any inquiry in writing or otherwise about, or deny any license, registration or permit to any applicant, or act adversely upon any holder of a license, registration or permit by reason of:*

*(i) such applicant or holder having any order, not revoked, entered against such person adjourning the criminal action in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law;*

*(ii) such applicant or holder having a conviction for a violation as defined in section 10.00 of the penal law;*



(iii) *such applicant or holder having been convicted of a non-criminal offense, as defined by a law of another state; or*

(iv) *an arrest or criminal accusation which was followed by an order or conviction described in this subparagraph.*

(v) *This subparagraph does not apply to any license, registration, or permit issued by the business integrity commission.*

§ 5. Subparagraph (5) of paragraph (a) of subdivision 9 of section 8-107 of the administrative code of the city of New York is REPEALED.

§ 6. Subdivision 10 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2015, paragraphs (a) and (c) as amended by local law number 63 for the year 2018, is amended to read as follows:

10. Criminal convictions, *violations and cases adjourned in contemplation of dismissal*; employment.

(a) It shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to deny employment to any person or take adverse action against any employee by reason of such person or employee having *at any time* been convicted of one or more criminal offenses, or by reason of a finding of a lack of "good moral character" which is based on such person or employee having, *at any time* been convicted of one or more criminal offenses, [when such denial or adverse action is in violation of the provisions of article 23-a] *unless after considering the factors set forth in section 753 of the correction law, the employer determines that either (i) there is a direct relationship between the criminal conviction and the employment sought or held by the individual; or (ii) the granting or continuation of the employment would involve an unreasonable risk to property, or to the safety or welfare of specific individuals or the general public;*

(b) *It shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to deny employment to any person or take adverse action against any employee based on the employee having:*

(i) *any order, not revoked, entered against such applicant or employee adjourning the criminal action in contemplation of dismissal pursuant to sections 170.55 or 170.56 of the criminal procedure law; or*

(ii) *been convicted of a violation as defined in section 10.00 of the penal law; or*

(iii) *been convicted of a non-criminal offense, as defined by a law of another state.*

(c) *It shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to deny employment to any person or take adverse action against any employee based on an arrest or criminal accusation which was followed by an order or conviction described in paragraph (b).*

([b]d) For purposes of this subdivision, "employment" shall not include membership in any law enforcement agency.

([c]e) [Pursuant to section 755 of the correction law, the] The provisions of this subdivision shall be enforceable against public agencies by a proceeding brought pursuant to article 78 of the civil practice law and rules, and the provisions of this subdivision shall be enforceable against [private] *other* employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter 5 of this title. [For purposes of this paragraph only, the terms "public agency" and "private employer" have the meaning given such terms in section 750 of the correction law.]

(f) *The provisions of this subdivision shall not apply where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct.*

(g) *Nothing in this section precludes the employer from taking adverse action against an employee who is found to have made misrepresentations regarding the employee's conviction history, provided that such adverse action is not based on failure to divulge information that a person may not be required to divulge, as provided in subdivision 16 of section 296 of article 15 of the executive law and in subdivision 11 of this section.*

§ 7. Subdivision 11 of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

11. Arrest record; employment. It shall be an unlawful discriminatory practice, unless specifically required or permitted by any other law, for any person to: (a) Deny] *make any inquiry in writing or otherwise about, or deny* employment to, any applicant or act adversely upon any employee by reason of an arrest *of* or criminal accusation [of] *against* such applicant or employee *that occurred at any time*, when such *inquiry*, denial or adverse action is in violation of subdivision 16 of section 296 of article 15 of the executive law[; or].

[(b) Make any inquiry in writing or otherwise, regarding any arrest or criminal accusation of an applicant or employee when such inquiry is in violation of subdivision 16 of section 296 of article 15 of the executive law.]

§ 8. Subdivision 11-a of section 8-107 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

11-a. Arrest and conviction records *preceding and during employment*; employer inquiries. (a) In addition to the restrictions in subdivision 11 of this section, it shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to:

(1) Declare, print or circulate or cause to be declared, printed or circulated any solicitation, advertisement or publication, which expresses, directly or indirectly, any limitation, or specification in employment based on a person's arrest or criminal conviction;

(2) Because of any person's arrest or criminal conviction, represent that any employment or position is not available, when in fact it is available to such person; or

(3) Make any inquiry or statement related to the pending arrest or criminal conviction record of any person who is in the process of applying for employment with such employer or agent thereof until after such employer or agent thereof has extended a conditional offer of employment to the applicant. For purposes of this subdivision, with respect to an applicant for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law, an offer to be placed in the temporary help firm's general candidate pool shall constitute a conditional offer of employment. For purposes of this subdivision, "any inquiry" means any question communicated to an applicant in writing or otherwise, or any searches of publicly available records or consumer reports that are conducted for the purpose of obtaining an applicant's criminal background information, and "any statement" means a statement communicated in writing or otherwise to the applicant for purposes of obtaining an applicant's criminal background information regarding: (i) an arrest record; (ii) a conviction record; or (iii) a criminal background check.

(b) After extending an applicant a conditional offer of employment, an employer, employment agency or agent thereof may inquire about the applicant's arrest or conviction record if before taking any adverse employment action based on such inquiry, the employer, employment agency or agent thereof:

[(i)1] Provides a written copy of the inquiry to the applicant in a manner to be determined by the commission;

(2) *Requests from the applicant information relating to the factors set forth in section 753 of the correction law;*

[(ii)3] [Performs an analysis of the applicant under article 23-a] *Determines, after considering the factors set forth in section 753 of the correction law, that either (i) there is a direct relationship between the criminal history or alleged wrongdoing and the employment sought or held by the individual; or (ii) the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public; [and]*

(4) provides a written copy of such analysis to the applicant in a manner to be determined by the commission, which shall include but not be limited to supporting documents that formed the basis for an adverse action based on such analysis and the employer's or employment agency's reasons for taking any adverse action against such applicant; and

[(iii)5] After giving the applicant the inquiry and analysis in writing [pursuant to subparagraphs (1) and (2) of this paragraph], allows the applicant a reasonable time to respond, which shall be no less than three business days and during this time, holds the position open for the applicant.

(c) *It shall be an unlawful discriminatory practice for any employer, employment agency or agent thereof to take adverse action against any employee based on a pending charge or criminal conviction, or by reason of a finding of a lack of "good moral character" that is based on such employee's pending charge or criminal conviction, unless, after considering the factors set forth in paragraph (d) and taking the steps described in subparagraphs (4) and (5) of paragraph (b) of this subdivision, such employer has made a determination that either (i) there is a direct relationship between the criminal history, or alleged wrongdoing that is the subject of the pending charge, and the employment held by the individual or (ii) the continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. For purposes of this paragraph, placing the employee on unpaid leave for a reasonable time while the employer takes the steps described in this paragraph and subparagraphs (4) and (5) of paragraph (b) of this*

subdivision, and during the time allowed for the employee to respond, shall not be deemed to be an adverse action. In addition, this paragraph shall not bar public agencies from taking adverse action against an employee based upon pending charges or convictions where the employee is entitled to a disciplinary process as set forth in section 75 of the civil service law, or where the public agency follows a disciplinary process set forth in agency rules or as required by law.

(d) The factors that an employer must consider under paragraph (c) are:

(i) the specific duties and responsibilities necessarily related to the employment held by the person;

(ii) the bearing, if any, of the criminal offense or offenses for which the employee was convicted, or that are alleged in the case of pending charges, on the employee's fitness or ability to perform one or more such duties or responsibilities;

(iii) the seriousness of such offense or offenses;

(iv) any additional information produced by the employee, or produced on their behalf, in regards to their good conduct, including history of positive performance and conduct on the job and in the community, or any other evidence of good conduct; and

(v) the legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

(e) Nothing in this subdivision shall prevent an employer, employment agency or agent thereof from taking adverse action against any employee or denying employment to any applicant for reasons other than such employee or applicant's arrest or criminal conviction record.

([d]f) An applicant shall not be required to respond to any inquiry or statement that violates paragraph (a) of this subdivision and any refusal to respond to such inquiry or statement shall not disqualify an applicant from the prospective employment.

(e) This subdivision shall not apply to any actions taken by an employer or agent thereof pursuant to any state, federal or local law that requires criminal background checks for employment purposes or bars employment based on criminal history. For purposes of this paragraph federal law shall include rules or regulations promulgated by a self-regulatory organization as defined in section 3(a)(26) of the securities exchange act of 1934, as amended.]

([f]g) This subdivision shall not apply to any actions taken by an employer or agent thereof with regard to [an applicant for employment]:

(1) [As] An applicant for employment or a current employee employed as a police officer or peace officer, as those terms are defined in subdivisions 33 and 34 of section 1.20 of the criminal procedure law, respectively, or at a law enforcement agency as that term is used in article [23-a] 23-A of the correction law, including but not limited to the police department, the fire department, the department of correction, the department of investigation, the department of probation, the division of *child protection* and the division of youth and family [services] *justice of the administration for children's services*, the business integrity commission, and the district attorneys' offices; or

(2) An applicant for employment or a current employee employed in any position listed in the determinations of personnel published as a commissioner's calendar item and listed on the website of the department of citywide administrative services upon a determination by the commissioner of citywide administrative services that the position involves law enforcement, is susceptible to bribery or other corruption, or entails the provision of services to or safeguarding of persons who, because of age, disability, infirmity or other condition, are vulnerable to abuse. If the [department] employer takes adverse action against any applicant based on the applicant's arrest or criminal conviction record, it shall provide to the applicant a written copy, [of such analysis performed under article 23-a of the correction law to the applicant] in a form and manner to be determined by the department, of an analysis considering the factors set forth in section 753 of the correction law and concluding that either (i) there is a direct relationship between criminal history or alleged wrongdoing and the employment sought or held by the individual; or (ii) the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public, and if the employer takes adverse action against an employee based on the employee's arrest or criminal conviction record, it shall provide to the employee a written copy, in a form and manner to be determined by the department, of an analysis considering the factors set forth in paragraph d of this subdivision; or

(3) *An applicant for employment or a current employee employed in a position for which any federal, state or local law requires criminal background checks for employment purposes or bars employment based on criminal history. For purposes of this paragraph federal law shall include rules or regulations promulgated by a self-regulatory organization as defined in section 3(a)(26) of the securities exchange act of 1934, as amended.*

[(g)h) The provisions of this subdivision shall be enforceable against public agencies by a proceeding brought pursuant to article 78 of the civil practice law and rules, and the provisions of this subdivision shall be enforceable against private employers by the commission through the administrative procedure provided for in this chapter or as provided in chapter 5 of this title. [For purposes of this paragraph only, the terms "public agency" and "private employer" shall have the meaning given such terms in section seven hundred fifty of the correction law.]

§ 9. The commission on human rights shall engage in outreach and education efforts regarding the rights of current and prospective employees, and the responsibilities of employers, established by this local law. Such outreach and education shall be directed at public and private employers, and the general public.

§ 10. This local law shall take effect 200 days after its enactment, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Civil and Human Rights.

Int. No. 1315

By Council Members Williams, Ampry-Samuel and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to a temporary moratorium on third party transfers of real property and a study on the eligibility of transferable property**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-412.3 to read as follows:

§ 11-412.3 *Moratorium on third party transfer.* a. *Notwithstanding any provision of law to the contrary, the department of finance and the department of housing preservation and development shall not initiate any foreclosure action against a class one or class two real property parcel pursuant to this chapter for a period of two years from the effective date of the local law that added this section. Where such an action has already been initiated against a class one or class two real property parcel prior to the effective date of the local law that added this section, the commissioner of finance shall withdraw the parcel from the proceeding pursuant to section 11-413.*

b. *During the two-year period described in subdivision a of this section, the department of housing preservation and development shall report on a quarterly basis the street address of each class one and class two property that such department determines would be eligible for acquisition pursuant to this chapter but for the moratorium on such actions set forth in subdivision a of this section, disaggregated by council district and community district. Such reports shall include the current status of the properties in question, including but not limited to whether the property has had foreclosure actions initiated against it and whether a foreclosure judgment has been entered against the property. The report shall be made in a machine-readable format and distributed to the speaker of the council, the council member in whose district such property is situated, and the community board in whose district such property is situated.*

§ 2. This local law takes effect immediately and is deemed repealed two years after it becomes law.

Referred to the Committee on Finance.

Preconsidered L.U. No. 290

By Council Member Dromm:

**36-38 West Gun Hill Road, Block 3324, Lot 59; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 291

By Council Member Dromm:

**55 East Mosholu Parkway North, Block 3326, Lot 100; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 292

By Council Member Dromm:

**1425 Macombs Road, Block 2857, Lot 81; Bronx, Community District No. 4, Council District No. 16.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 293

By Council Member Dromm:

**3240 Henry Hudson Parkway, Block 5789, Lot 24; Bronx, Community District No. 8, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 294

By Council Member Dromm:

**Cooper Square Senior Housing, Block 460, Lot 1; Manhattan, Community District No. 3, Council District No. 2.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 295

By Council Member Dromm:

**Langsam 1, Block 3225, Lot 52; Bronx, Community District No. 7, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 296

By Council Member Dromm:

**Langsam 2, Block 4068, Lot 1; Bronx, Community District No. 11, Council District No. 13.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 297

By Council Member Dromm:

**Langsam 3, Block 3923, Lot 9; Bronx, Community District No. 9, Council District No. 18.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 298

By Council Member Dromm:

**Langsam 4, Block 2870, Lot 61; Bronx, Community District No. 5, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 299

By Council Member Dromm:

**Langsam 5, Block 3216, Lot 48; Bronx, Community District No. 5, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 300

By Council Member Dromm:

**Langsam 6, Block 3317, Lot 36; Bronx, Community District No. 7, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 301

By Council Member Dromm:

**Langsam 7, Block 2663, Lot 37; Bronx, Community District No. 3, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 302

By Council Member Dromm:

**Langsam 8, Block 2843, Lot 24; Bronx, Community District No. 4, Council District No. 16.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 303

By Council Member Dromm:

**Langsam 9, Block 2866, Lot 4; Bronx, Community District No. 5, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 304

By Council Member Dromm:

**Langsam 10, Block 3794, Lot 34; Bronx, Community District No. 9, Council District No. 18.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 305

By Council Member Dromm:

**Langsam 11, Block 3318, Lot 30; Bronx, Community District No. 7, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 306

By Council Member Dromm:

**Langsam 12, Block 3356, Lot 178; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 307

By Council Member Dromm:

**Langsam 13, Block 3196, Lot 58; Bronx, Community District No. 5, Council District No. 14.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 308

By Council Member Dromm:

**Langsam 14, Block 2380, Lot 48; Bronx, Community District No. 1, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 309

By Council Member Dromm:

**Langsam 16, Block 3329, Lot 64; Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 310

By Council Member Salamanca:

**Application No. C 190064 HDM (Waterside Plaza) submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property (Block 991, Lots 60 and 61) within the Waterside Plaza Urban Renewal Area, Borough of Manhattan, Council District 4, Community District 6.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions & Concessions.

L.U. No. 311

By Council Member Salamanca:

**Application No. C 190065 HDM (Waterside Plaza) submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Waterside Plaza Urban Renewal Plan, Borough of Manhattan, Council District 4, Community District 6.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions & Concessions.



L.U. No. 312

By Council Member Salamanca:

**Application No. 20195150 TCK submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Carries’s Hospitality, LLC, d/b/a Elder Greene for a new revocable consent to maintain, operate, and use an unenclosed sidewalk café located at 160 Franklin Street, Borough of Brooklyn, Council District 33, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

<http://legistar.council.nyc.gov/Calendar.aspx>

**A N N O U N C E M E N T S**

**Wednesday, January 9, 2019**

*Charter Meeting*..... – **12:00 p.m.**

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that staffers Yariv Shavitt and Jeanette Merrill were leaving the Council. Mr. Shavitt worked in the Community Engagement Division and the Finance Division. Ms. Merrill worked at the Finance Division and has worked with the Committees on Health, Hospitals, and Mental Health, respectively. The Speaker (Council Member Johnson) wished them both the best as those assembled in the Chambers cheered and applauded.

Shortly before the adjournment of this Meeting, the Speaker (Council Member Johnson) wished everyone Happy Holidays.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) also acknowledged that this Stated Meeting was the last to be presided over by Public Advocate Letitia James. She was elected to the office of Attorney General of the State of New York in November 2018 and was soon leaving the Council to assume her new statewide position. A cake was brought to the Public Advocate (Ms. James) by the famous Brooklyn baker “Cake Man Raven” Dennis. During the Meeting, many Council Members congratulated, thanked and praised Ms. James for her years of service. She spoke briefly and thanked everyone as those in the Chambers applauded and cheered.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Charter Meeting on Wednesday, January 9, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note: As noted above, these proceedings mark the final Stated Meeting presided by the Public Advocate and Acting President Pro Tempore Letitia James. Ms. James resigned her position as Public Advocate on December 31, 2018 in order to assume the position of Attorney General of the State of New York.*

*Editor's Local Law Note: Int. Nos. 304-A, 376-B, 391-A, 394-A, 396-A, 1062-A, 1068-A, 1079-A, 1081-A, 1096-A, 1137-A, and 1144, all adopted by the Council at the November 14, 2018 Stated Meeting, were returned unsigned by the Mayor on December 18, 2018. These items had become law on December 15, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 212 to 223 of 2018, respectively,*