THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Tuesday, December 6, 2016, 1:50 p.m.

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

Council Members

Melissa Mark-Viverito, *Speaker*

Inez D. Barron	Corey D. Johnson	Rafael Salamanca, Jr
Joseph C. Borelli	Ben Kallos	Mark Treyger
Fernando Cabrera	Peter A. Koo	Eric A. Ulrich
Margaret S. Chin	Karen Koslowitz	James Vacca
Andrew Cohen	Rory I. Lancman	Paul A. Vallone
Costa G. Constantinides	Bradford S. Lander	James G. Van Bramer
Robert E. Cornegy, Jr	Stephen T. Levin	Jumaane D. Williams
Elizabeth S. Crowley	Mark Levine	
Laurie A. Cumbo	Alan N. Maisel	
Chaim M. Deutsch	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Rafael L. Espinal, Jr	Rosie Mendez	
Mathieu Eugene	Annabel Palma	
Julissa Ferreras-Copeland	Antonio Reynoso	
Vincent J. Gentile	Donovan J. Richards	
Vanessa L. Gibson	Deborah L. Rose	
Barry S. Grodenchik	Helen K. Rosenthal	

Absent: Council Members Dickens, Garodnick, Greenfield, King, Mealy, Miller, Rodriguez, Torres and Wills.

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 42 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 Pastor Patrick Henry Young, First Baptist Church of East Elmhurst, 100-10 Astoria Blvd, East Elmhurst, N.Y. 11369.

Let us pray.
Eternal Father in which we breathe and have our being because of You,
we humbly pause at this time to give thanks for life and living.
On this day, the Elected Body of New York City and citizens of this City
as well as State gather to take on the work and affairs of this City.
Give these elected leaders wisdom and understanding
as they embark to do what is fair and just for the people of this city.
Let them not be intoxicated with their own agendas
and forgetting their commitment to serve others
who are relying on their commitment to help and aid
the communities in which they are called to serve.
Bless them and keep them as they endeavor
to do what is right for the citizens of New York City
and may Your face shine upon them and give them peace.
Amen.

Council Member Ferreras-Copeland moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the recent loss of two New Yorkers, Alastasia Bryan and Jack Rudin. Alastasia Bryan, 25, was a New York City Correctional System Officer who was tragically gunned down while off-duty on December 4, 2016. Officer Bryan worked at the Anna M. Kross Center mental health facility on Rikers Island. The Speaker (Council Member Mark-Viverito) expressed the hope that the perpetrator would be quickly brought to justice. Jack Rudin, 92, was a long-time leader in the New York labor community as well as the founder of the Association for a Better New York who contributed much of his life in seeing the city prosper. The Speaker (Council Member Mark-Viverito) offered her condolences to both the Bryan and Rudin families.

COMMUNICATION FROM CITY, COUNTY AND BOROUGH OFFICES

M-461

Communication from the Richmond County Democratic Committee recommending the name of Maria R. Guastella, Esq. to the Council regarding her re-appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

STATE OF NEW YORK
BOARD OF ELECTIONS

ELECTION COMMISSIONER CERTIFICATE
(New York City only)

To the Clerk of the City Council of the City of New York

I certify that:

At a meeting of the Executive Committee County Committee of the County of Richmond, held on the 28th day of November, 2016, at Staten Island, New York, under the provisions of the Election Law and rules of the County Committee, a quorum being present, Maria R. Guastella, residing at 165 Wheeling Avenue, Staten Island, New York, 10309, was recommended by majority of said committee as a suitable and qualified person for appointment to the office of Commissioner of Elections

X For the term beginning January 1, 2017

__ To fill an existing vacancy in said office for the remainders of the current term.

And that said designee is a registered voter of the County of Richmond and a duly enrolled member of the Democratic Party.

Dated at Staten Island, New York
November 28, 2016

John P. Gulino, Chairman

Referred to the Committee on Rules, Privileges and Elections.

M-462

Communication from the New York County Democratic Committee recommending the name of Jeanine R. Johnson to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

ELECTION COMMISSIONER CERTIFICATION

I certify that:

At a meeting of the Executive Committee of the New York County Democratic Committee, held on the 20th day of November, 2016 at 370 Seventh Avenue, New York, NY 10001, under the provision of the Election Law and rules of the County Committee, a quorum being present, Jeanine R. Johnson, residing at 725 Riverside Drive, New York, NY 10031 was recommended by *majority* vote of said committee as a suitable and qualified person for appointment to the office of Commissioner of Elections.

X for the term beginning January 1, 2017.

__ to fill an existing vacancy in said office for the remainder of the current term expiring December 31, 2016 and that said designee is registered voter of the County of New York and dully enrolled member of the Democratic Party.

And that said designee is a registered voter of the County of Richmond and a duly enrolled member of the Democratic Party.

Dated at New York, New York
November 20, 2016

Domenico Minerva
Chairman, New York County Democratic Committee

Benjamin Yee
Secretary, New York County Democratic Committee

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF STANDING COMMITTEES

Report of the Committee on Education

Report for Int No. 1099-A

Report of the Committee on Education 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 education to report information on Career and Technical Education programs in New York city schools

The Committee on Education, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 506), respectfully

REPORTS:

Introduction

On December 5, 2016, the Committee on Education, chaired by Council Member Daniel Dromm, held a hearing to vote on Proposed Int. No. 1099-A, sponsored by Council Member Treyger, and Proposed Int. No. 1193-A, sponsored by Council Members Levine and Menchaca, which both relate to reporting by the Department of Education ("DOE") on Career and Technical Education ("CTE") and Computer Science programs, respectively. The Committee previously heard this legislation on September 21, 2016. At that hearing, the Committee received testimony from the administration, union leaders, advocates, and other interested members of the public. On December 5, 2016, the Committee passed Int. Nos. 1099-A and 1193-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

Background

In recent years, there has been growing interest in both computer science education and career and technical education, or CTE, at the national, state and local levels as a promising approach to improve students' college and career readiness and prepare them for high-demand 21st century jobs. The proposed legislation aims to (1) ensure that progress is being made towards providing computer science skills to all students in NYC schools and (2) provide more comprehensive data on the DOE's CTE programs.

Computer Science Initiatives

Computer science skills have increasingly become basic skills necessary for the workplace. Despite this reality, a national survey showed that only a little over half of students in grades 7 to 12 attend schools that have a computer-science course.[1] Moreover, the survey – conducted by Google and Gallup - indicated that, with regard to access to computer science programs, both racial and gender disparities exist.[2] Black students are less likely than white students to have access to computer science classes, and educators and parents are more likely to tell male students that they would be good at computer science than they are to tell female students.[3]

New York City has been a leader on this issue. In 2015, Mayor de Blasio and the DOE launched the "Computer Science for All" initiative, a 10-year, 80-million dollar public/private partnership.[4] CS4All

[1] Emily Deruy, "A Plan to Teach Every Child Computer Science", *The Atlantic*, Oct. 19, 2016, *available at* http://www.theatlantic.com/education/archive/2016/10/a-plan-to-teach-every-child-computer-science/504587 (last visited Dec. 2, 2016).
[2] *Id.*
[3] *Id.*
[4] *See* NYC.gov, "Computer Science for All Overview", http://www1.nyc.gov/office-of-the-mayor/education-vision-2015-facts.page (last visited Dec. 2, 2016).

recognizes the importance of ensuring that every student has the computational, problem-solving, and critical thinking skills needed for success in a job market that is increasingly reliant on technology.[5] Under the Mayor's initiative, the City is expanding programs such as its Software Engineering Program and advance placement courses in computer science, and is also expanding computer science education to elementary schools.[6]

At the national level, President Obama began an initiative in January 2016, calling for increased funding for training teachers, increased access to instructional materials, and the building of regional partnerships.[7] This nationwide movement recognizes that computer science skills have become basic skills that are necessary for students to have career opportunities and social mobility.[8]

CTE Initiatives

In 2012, the Obama Administration laid out a plan for reshaping CTE, known as the "Blueprint," including recommendations for reauthorizing the Perkins Act.[9] In addition to proposing greater investment, the report outlined four core principles for CTE transformation:

1. Alignment - Effective alignment between CTE and labor market needs to equip students with 21st-century skills and prepare them for in-demand occupations in high-growth industry sectors;
2. Collaboration - Strong collaboration among secondary and postsecondary institutions, employers, and industry partners to improve the quality of CTE programs;
3. Accountability - Meaningful accountability for improving academic outcomes and building technical and employability skills in CTE programs, based upon common definitions and clear metrics for performance;
4. Innovation - Increased emphasis on innovation supported by systemic reform of state policies and practices to support CTE implementation of effective practices at the local level.[10]

At the State level, New York adopted a new CTE program approval process in 2001 in an effort to raise the "quality and rigor of courses that prepare students for employment and postsecondary study," becoming a model for the Perkins Act,[11] and across the nation as a whole.[12] In another pioneering move, the New York State Board of Regents approved a new CTE pathway for students to meet the State's high school graduation requirements in 2014.[13] The New York State Commissioner's Regulations contain additional requirements, including that public school districts offer students a three-unit and five-unit sequence in CTE,[14] that students be allowed to participate in CTE courses in ninth grade,[15] that courses receive approval by the Commissioner in order to meet the requirements of a diploma,[16] and that the board of education of each school district form a

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[5] *Id.*
[6] *Id.*
[7] Megan Smith, *Computer Science for All*, White House Blog, Jan. 30, 2016, https://www.whitehouse.gov/blog/2016/01/30/computer-science-all.
[8] White House Office of the Press Secretary Press Release, "President Obama Announces Computer Science for All Initiative", Jan. 30, 2016, *available at* https://www.whitehouse.gov/the-press-office/2016/01/30/fact-sheet-president-obama-announces-computer-science-all-initiative-0 (last visited Dec. 2, 2016).
[9] U.S. Department of Education, Office of Vocational and Adult Education, *Investing in America's Future: A Blueprint for Transforming Career and Technical Education*, April 2012, *available at* http://www2.ed.gov/about/offices/list/ovae/pi/cte/transforming-career-technical-education.pdf (last visited Sept. 19, 2016).
[10] *Id.* at 2.
[11] Carl D. Perkins Act, 20 U.S.C.A. §§ 2301 et seq. The Perkins Act (Perkins IV; P.L. 109-270) is the principal source of federal funding for CTE programs in all 50 states. Applicants for Perkins IV funds are required to describe how the funds will support the creation of programs that integrate challenging academics with career and technical education, connect secondary education and postsecondary education in order to prepare students for competitive careers, and support students with meeting Perkins IV performance standards. The Act also contains certain reporting requirements for recipients of federal funds to "optimize the return of investment of Federal funds in [CTE] activities." 20 U.S.C.A. §2323.
[12] *See* New York State Education Department (NYSED) website, "CTE/Program Approval Process," *available at* http://www.p12.nysed.gov/cte/ctepolicy/ (last visited Sept. 19, 2016).
[13] NYSED website, "CTE/ NYS Board of Regents approves 'Multiple Pathways' for high school graduation," *available at* http://www.p12.nysed.gov/cte/video/regents-approve-multiple-pathways.html (last visited Sept. 19, 2016).
[14] 8 NYCRR §100.2 (h)(1).
[15] 8 NYCRR §100.2 (h)(3).
[16] *Id.*

committee including experts, educators, labor, business and industry, and other community representatives to review local needs and recommend strategies.[17]

- *CTE in New York City*

According to a March 2016 Manhattan Institute report, New York City is at "the forefront of the national revolution in career education."[18] The City has been a leader in CTE, adding 33 new designated CTE high schools between 2003 and 2015.[19] A number of other efforts have contributed to New York City being on "the cutting edge of the national push to reinvent CTE."[20] In 2008, then-Mayor Michael Bloomberg made CTE innovation a citywide priority and announced creation of a task force to recommend needed improvements.[21] In 2011, the City partnered with IBM and CUNY in creating the first CTE "early college" high school, Pathways in Technology Early College High School, which has since become a national model, catching the attention of policymakers, including President Obama.[22] CTE has also been a priority for current Mayor Bill de Blasio. In 2012, as Public Advocate, de Blasio released a report citing the importance of CTE for New York City and making recommendations for improvement.[23] Since then, the de Blasio Administration announced a pilot program in March 2015 to expand or enhance CTE programs in 10 high schools with funding from the General Electric Foundation.[24] Additionally, in July 2015 Chancellor Fariña appointed a new Executive Director of Career and Technical Education, John Widlund, to lead efforts to strengthen the City's CTE programs.[25]

CTE programs are offered in two types of high schools in New York City: traditional academic high schools and CTE high schools, where the entire institution is dedicated to CTE programs.[26] Within dedicated CTE schools, there is a further distinction between traditional 9-12 high schools and those so-called "early college" high schools that offer CTE course work across grades 9-14, allowing students to earn both a high school diploma and an associate's degree.[27] All City CTE programs, both stand-alone CTE schools and CTE programs housed in traditional high schools, integrate academic and technical course work and prepare students for college as well as careers.[28] The primary distinction between the two types of schools is that traditional academic high schools offer CTE courses as electives and only some students in the school participate, whereas dedicated CTE schools generally offer more CTE options, and every student enrolled in

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[17] 8 NYCRR §100.5

[18] Tamar Jacoby and Shaun M. Dougherty, "The New CTE: New York City as Laboratory for America," Manhattan Institute, March 30, 2016, at 5, *available at* http://www.manhattan-institute.org/html/new-cte-new-york-city-laboratory-america-8688.htm (last visited Sept. 19, 2016).

[19] New York City Career and Technical Education website, "Benefits of a CTE Program of Study," *available at* http://www.cte.nyc/site/content/benefits-cte-program-study (last visited Sept. 19, 2016).

[20] Jacoby and Dougherty, *supra* note 13.

[21] Mayor Michael R. Bloomberg, *State of the City Address*, January 17, 2008. The Mayoral Task Force on Career and Technical Education Innovation laid out an ambitious vision and goals for CTE expansion that would lead to "unprecedented numbers of students" graduating from New York City schools "well-prepared for postsecondary success in college, work and life." Mayoral Task Force on Career and Technical Education Innovation, "Next-Generation Career and Technical Education in New York City," July 2008, at p. 4, *available at* http://schools.nyc.gov/NR/rdonlyres/91B215BF-21F8-4E11-9676-8AFCFBB170E0/0/NYC_CTE_728_lowres.pdf (last visited Sept. 19, 2016).

[22] Philissa Cramer and Geoff Decker, "What's behind the P-TECH hype? We answer as Obama stops by," *Chalkbeat New York*, October 25, 2013, *available at* http://www.chalkbeat.org/posts/ny/2013/10/25/whats-behind-the-p-tech-hype-we-answer-as-obama-stops-by/#.V9_fUPkrKUk (last visited Sept. 19, 2016).

[23] Office of Bill de Blasio, Public Advocate for the City of New York, *Path to the Future: Strengthening Career and Technical Education to Prepare Today's Students for the Jobs of Tomorrow*, January 2012.

[24] Stephanie Snyder, "With a focus on the college-bound, career and technical education to expand in 10 schools," *Chalkbeat New York*, March 23, 2015, *available at* http://www.chalkbeat.org/posts/ny/2015/03/23/with-a-focus-on-the-college-bound-career-and-technical-education-to-expand-in-10-schools/#.V9_kDfkrKUk (last visited Sept. 19, 2016).

[25] DOE press release, "Chancellor Fariña Announces Appointment of John Widlund to Head NYC Career And Technical Education (CTE)," July 6, 2015, *available at* http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2015-2016/Chancellor+Fariña+Announces+Appointment+of+John+Widlund+to+Head+NNYC+Career+And+Technical+Education.htm (last visited Sept. 19, 2016).

[26] *See id.*

[27] *See, e.g.*, "NYC Department of Education Announces Three New Early College and Career Technical Education High Schools", DOE, *available at* http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2013-2014/081513_earlycollegetechhigh.htm (last visited Sept. 20, 2016).

[28] *See* "FAQ for Students and Parents: What is Career and Technical Education (CTE)?", Department of Education NYCCTE, *available at* http://www.cte.nyc/site/content/faq-students-and-parents (last visited Sept. 19, 2016).

the school takes CTE courses.[29] Dedicated CTE high schools may focus on one specific industry, as is the case with Automotive High School, Transit Tech Career and Technical Education High School, and Aviation High School.[30] Still, other dedicated CTE schools, such as Queens Vocational and Technical High School and Thomas A. Edison Career and Technical Education High School, will cover multiple industry areas.[31]

As of the 2014-2015 school year, there were a total of 318 CTE programs offered at 139 high schools of which fifty-one are dedicated CTE schools and the other eighty-eight are comprehensive high schools.[32] The fifty-one dedicated CTE high schools include seventeen in Manhattan, thirteen in Brooklyn, eleven in the Bronx, nine in Queens and one in Staten Island. From 1900 to 1960, eighteen dedicated CTE high schools were created citywide and the additional thirty-three dedicated CTE schools were opened in the period from 2003-2015.[33]

All CTE programs operating in NYC must meet the five quality indicators required by the New York State Board of Regents policy on Program Approval.[34] Program requirements include:

- CTE State certified teachers who remain current in their profession
- A coherent sequence of courses (minimum of 7 credits) that prepares students for a seamless transition to employment or postsecondary study
- Direct benefits to students: industry-based assessments, credentials, or dual enrollment college credit
- Work-based learning: instructional activities, within a real-world, work-related context, that allows students to build a bridge from adolescent roles in the classroom to adult roles in professional settings.
- Partnerships with business, industry and postsecondary institutions to inform and validate the integrity of the program's design, content and continuous improvement[35]

Students enrolled in a CTE program must meet Regents diploma requirements in addition to a CTE sequence. CTE graduation requirements require that students:

- Pass five required Regents examinations or alternatives approved by the State Assessment Panel;
- Complete a minimum of 22 units of credit;
- Complete a minimum of 14.5 units of credit in academic core requirements; and
- Complete a maximum of one unit of credit in English, mathematics, science, economics, and government through either a full integrated program with documentation of academic core requirements, specialized career and technical education courses, or a combination of the two approaches.[36]

The most recent available data on CTE student enrollment is from the 2013-2014 school year. At that time over 120,000 students, more than 40% of all high school students took CTE courses and, of that total, approximately 26,000 were enrolled in designated CTE schools.[37] A demographic breakdown of students in dedicated CTE high schools at that time indicated that there were 59% male and 41% female; 43% Latino, 37% Black, 12% Asian, and 6% percent White; 17% were students with disabilities, 6% were English language learners; and 84% qualified for free or reduced price lunch.[38]

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[29] Jacoby and Dougherty, *supra* note 13 at p. 13.
[30] "FAQ for Students and Parents", Department of Education NYCCTE, *available at* http://www.cte.nyc/site/content/faq-students-and-parents (last visited Sept. 19, 2016).
[31] *Id.*
[32] "Benefits of a CTE Program of Study: CTE Facts & Figures," Department of Education NYCCTE, *available at* http://www.cte.nyc/site/content/benefits-cte-program-study (last visited Sept. 19, 2016).
[33] *Id.*
[34] "Career and Technical Education: Preparing New York City's Students for College and Career Readiness," Department of Education, *available at* http://schools.nyc.gov/NR/rdonlyres/594AEBDC-D8D5-461A-BF12-ECD1353CCF17/0/CTE_1_pager_010715.pdf (last visited Sept. 19, 2016).
[35] *Id.*
[36] "Career and Technical Education/ Parents and Students," Department of Education, *available at* http://schools.nyc.gov/ChoicesEnrollment/SpecialPrograms/CTE/ParentsandStudents/CTE+FAQ.htm (last visited Sept. 19, 2016).
[37] "Benefits of a CTE Program of Study: CTE Facts & Figures," Department of Education NYCCTE, *available at* http://www.cte.nyc/site/content/benefits-cte-program-study (last visited Sept. 19, 2016).
[38] *Id.*

Like students nationwide, New York City students have benefitted from participation in CTE programs. Although available data is limited, students in CTE programs appear to outperform peers on several important metrics, including high school graduation rates and daily attendance. According to DOE, the 4-year graduation rate at CTE high schools in 2013 was 69.3% compared to 66% citywide.[39] Even more remarkable, the 4-year graduation rate at CTE high schools for students with disabilities was 42.3% compared to 37.5% citywide.[40] Attendance rates are generally three to five percentage points higher in schools offering CTE programming.[41]

CTE programs also have smaller classes, on average. In dedicated CTE schools, classes have about three fewer students (about 15% smaller) than in schools that do not offer CTE programs.[42] Classes at academic schools that include CTE offerings are about 10% smaller than at schools that offer no CTE programs.[43]

While there is no research to date that explains the improved performance of CTE students in New York City, the Manhattan Institute report speculates that "smaller classes, the focus on a single theme or occupation, and the way CTE programs connect student learning to the world of work all enhance the student experience and ultimately lead to better outcomes."[44]

Analysis of Proposed Legislation

Int. No. 1099-A - Bill Analysis

Section one of Prop. Int. No. 1099-A would provide the following definitions;

"Career and technical education" would mean a curriculum that is designed to provide students with skills that would allow them to pursue careers in certain disciplines including, but not limited to, agricultural education, business and marketing, family and consumer science, health occupations, technology and trade, and technical and industrial education; "Certified instructor" would mean a teacher who has earned a teaching license in a specific career and technical education subject; "Student" would mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school of the city school district of the city of New York, not including a pre-kindergarten student or a preschool child.

Section one would require the Department of Education (the DOE) to submit to the Speaker of the Council, and post conspicuously on the DOE's website, a report covering the preceding academic year, which report would include the following information:

1. the total number of high school-level CTE programs in the New York City school district, including, for each program, information regarding the name of the program, the associated field or discipline, the number of industry partners associated with the program, the high school at which the program is located and whether such high school is a CTE-designated high school, whether the program has been certified by New York State, the grade levels served by the program, and the number of students enrolled in the program;

2. the number and percentage of students at each high school in a CTE program;

3. the number and percentage of students who listed a CTE-designated high school as their first choice in the high school application process for the previous application year;

4. the number and percentage of students who listed a CTE-designated high school as their second choice in the high school application process for the previous application year;

5. the number and percentage of students who participated in the high school application process who enrolled in a CTE-designated high school;

6. the four-year graduation rate for CTE-designated high schools;

7. the six-year graduation rate for CTE-designated high schools;

8. the number of designated full-time and part-time certified instructors providing instruction at each high school, and for each CTE-designated high school, the ratio of full-time certified instructors to students at each such school; and

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[39] *Id.*
[40] *Id.*
[41] Jacoby and Dougherty, *supra* note 13 at p. 16.
[42] *Id.*
[43] *Id.*
[44] *Id.*

9. The number of staff in each school or program who received professional development or training from the DOE related to CTE in the prior school year.

The bill would require that student-level data be disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; (iv) English language learner status; (v) eligibility for the free and reduced price lunch program; and (vii) community school district.

The bill would state that none of the information in the report would violate any applicable provision of federal, state or local law relating to privacy of student information or that would interfere or otherwise conflict with law enforcement investigations and interests. The bill would also clarify that if a category contains between one and five students, or contains a number that would allow the amount of another category that is five or less to be deduced therefrom, the number should be replaced with a symbol in the report. The bill would also state that it expires five years after it becomes law.

Section two would provide that the law would take effect immediately, and that it would be deemed repealed five years after it becomes law.

Since its initial hearing, the bill has received several amendments. The bill has been expanded to require more specific data regarding each individual CTE-designated high school or program, to require further disaggregation of all student-level data, and to require reporting on professional development Additionally, provisions requiring information not tracked by the DOE, such as information about certified teachers shared between co-located and other schools, have been removed from the bill. Finally, a technical correction was made to the numbering in subdivision c.

Int. No. 1193-A - Bill Analysis

Section one of Prop. Int. No. 1193-A would provide the following definitions;

"Computer science program" would mean class, component of a class, or curriculum designed to enable students to learn computing concepts, including but not limited to abstraction, algorithms, programming, data and information, and networks; "Certified STEM instructor" would mean a teacher who is certified to teach a specific science, technology, engineering, or math (STEM) subject; "School" would mean a school of the city school district of the city of New York; "Student" would mean any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child.

Section one would require the Department of Education (the DOE) to submit to the Speaker of the Council, and post on the DOE's website, a report covering the preceding academic year, which report would include the following information:

1. the total number of computer science (CS) programs, including information regarding the nature of the computer science programs and whether the program is an advanced placement computer science class, offered in each school;

2. the number and percentage of students who enrolled in a CS program, disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; (iv) English language learner status; (v) eligibility for the free and reduced price lunch program; (vi) grade level; and (vii) community school district;

3. the number of designated full-time and part-time certified STEM instructors providing instruction at each school, and the ratio of full-time STEM certified instructors to students at each school;

4. information regarding the STEM institute administered by the DOE including, but not limited to, the nature of the professional training, the number of teachers trained, external organizations involved, the funding provided, and the source of such funding;

5. information regarding the DOE's computer science initiatives and availability and access to advanced placement computer science classes; and

6. information regarding the total available bandwidth in megabits per second provided in each school building, and for each such building that contains more than one school, the schools in such building.

The bill would state that none of the information in the report would violate any applicable provision of federal, state or local law relating to privacy of student information or that would interfere or otherwise conflict with law enforcement investigations and interests. The bill would also clarify that if a category contains between zero and five students, or contains a number that would allow the amount of another category that is five or less to be deduced therefrom, the number should be replaced with a symbol in the report. The bill would also state that it

expires 10 years after it becomes law.

Section two would provide that the law would take effect immediately, and that it would be deemed repealed ten years after it becomes law.

Since its initial hearing, the bill has received several amendments. The bill has been expanded to require reporting on bandwidth at each school building, and to require further disaggregation of student-level data. Additionally, provisions requiring information not tracked by the DOE, such as information about certified teachers shared between co-located and other schools, information about high school applications for CS programs, and graduation rates of students who have taken a CS program, have been removed from the bill.

Update

On December 5, 2016, the Committee passed Introductions 1099-A and 1193-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int No. 1099-A)

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

PROPOSED INTRO. NO.: 1099-A
COMMITTEE: Education

TITLE: A local law to amend the administrative code of the City of New York, in relation to requiring the department of education to report information on Career and Technical Education programs in New York City schools.	**SPONSORS:** Council Members Treyger, Palma, Dickens, Gentile, Rodriguez, Barron, Rose, Rosenthal, Ulrich and Borelli

SUMMARY OF LEGISLATION: This legislation would require the Department of Education (DOE) to annually report the following information related to Career and Technical Education (CTE) programs: (1) the number of CTE schools and programs available to students, including the specific characteristics of each school or program; (2) the number and percentage of students at each high school in a CTE program; (3) the number and percentage of students who listed a CTE-designated high school as their first or second choice in the high school application process; (4) the number and percentage of students who applied to and enrolled in a CTE-designated high school; (5) the 4- and 6-year graduation rates from CTE-designated high schools; (6) the number of full-time and part-time certified CTE instructors at each high school and the ratio of full-time certified instructors to students at CTE-designated high schools; and (7) the number of staff in each school or program who received professional development training administered by the DOE relating to CTE instruction. The bill would further require that student-level data be disaggregated by: (1) race and ethnicity; (2) gender; (3) special education status; (4) English language learner status; (5) eligibility for the free and reduced price lunch program; and (6) community school district.

EFFECTIVE DATE: This bill would take effect immediately, and would be deemed repealed 5 years after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures. DOE can use existing staff and resources to complete this report.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Department of Education

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Director
Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 24, 2016 as Intro. 1099 and referred to the Committee on Education. The Committee on Education held on a hearing on this legislation on September 21, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. 1099-A, will be voted on by the Committee on Education on December 5, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1099-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 1, 2016

(For text of Int No. 1193-A and its Fiscal Impact Statement, please see the Report of the Committee on Education for Int No. 1193-A printed in these Minutes; for text of Int No. 1099-A, please see below)

Accordingly, this Committee recommends the adoption of Int No. 1099-A and 1193-A.

(The following is the text of Int No. 1099-A:)

Int. No. 1099-A

By Council Members Treyger, Palma, Dickens, Gentile, Rodriguez, Barron, Rose, Rosenthal, Levin, Dromm, Menchaca, Lander, Kallos, Ulrich and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on Career and Technical Education programs in New York city 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 9 to read as follows:

Chapter 9. Career and Technical Education Reporting

§21-971 Reporting on career and technical education.

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

Career and technical education. The term "career and technical education" or "CTE" means a curriculum designed to provide students with certain skills that will enable them to pursue a career in certain disciplines, including but not limited to, agricultural education, business and marketing, family and consumer sciences, health occupations, technology and trade, or technical and industrial education.

Certified instructor. The term "certified instructor" means a teacher who has earned a teaching license in a specific career and technical education subject.

"Student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school of the city school district of the city of New York, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

b. Not later than April 30, 2017, and annually thereafter on or before April 30, the department shall submit to the council and post conspicuously on the department's website, a report for the preceding academic year which shall include, but not be limited to the following:

1. The total number of high school-level CTE programs in schools of the city school district of the city of New York, including for each (i) the name of the program; (ii) the field or discipline for which the program prepares students; (iii) the number of industry partners associated with the program; (iv) the high school at which the program is located; (v) whether the high school is a CTE-designated high school; (vi) whether the CTE program has received approval through the New York state department of education's CTE approval process; (vii) the grade levels served by such program; and (viii) the number of students enrolled in such program;

2. The number and percentage of students at each high school in a CTE program;

3. The number and percentage of applicants who listed a CTE-designated high school as their first choice in the high school application process during the previous application year;

4. The number and percentage of applicants who listed a CTE-designated high school as their second choice in the high school application process during the previous application year;

5. The number and percentage of applicants who participated in the high school application process who enrolled in a CTE-designated high school;

6. The 4-year graduation rate for CTE-designated high schools;

7. The 6-year graduation rate for CTE-designated high schools;

8. The number of designated full-time and part-time certified instructors providing instruction at each high school; and for each CTE-designated high school, the ratio of full-time certified instructors to students at such school; and

9. The number of staff in each school or program who received professional development or training administered by the department and relating to CTE as of the prior school year.

c. The data required to be reported pursuant to paragraphs two through seven of subdivision b of this section shall be disaggregated by (i) student race and ethnicity; (ii) student gender; (iii) student special education status; (iv) student English language learner status; (v) student eligibility for the free and reduced price lunch program; and (vi) community school district.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

e. This chapter expires five years after the effective date of the local law that added this chapter.

§ 2. This local law takes effect immediately and is deemed repealed 5 years after it becomes law.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ; MARGARET S. CHIN, STEPHEN T. LEVIN, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K.ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, December 5 , 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1193-A

Report of the Committee on Education 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 education to report information on computer science education in New York city schools

The Committee on Education, to which the annexed proposed amended local law was referred on May 25, 2016 (Minutes, page 1480), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int No. 1192-A printed in these Minutes)

***The following is the text of the Fiscal Impact Statement for Int No. 1193-A*:**

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

PROPOSED INTRO. NO.: 1193-A
COMMITTEE: Education

TITLE: A local law to amend the administrative code of the City of New York, in relation to requiring the department of education to report information on computer science education in New York City schools.	**SPONSORS:** Council Members Levine, Menchaca, Chin, Mendez, Barron, Rose Rosenthal and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. No. 1193-A would require the Department of Education (DOE) to annually report information regarding computer science (CS) programs offered to students in grades K through 12. The bill would require DOE to report: (1) the number and type of CS programs offered in each school; (2) the number and percentage of students enrolled in a CS program, disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; (iv) English language learner status; (v) eligibility for the free and reduced price lunch program; (vi) grade level; and (vii) community school district; (3) the number of designated full-time and part-time certified science, technology, engineering, and math (STEM) instructors at each school, and the ratio of full-time certified STEM instructors to students at each school; (4) information regarding the STEM institute administered by the DOE, including funding information; (5) information regarding the DOE's computer science initiatives such as CS4All; and (6) information regarding the available bandwidth at each school building, and if such building contains more than one school, the schools in such building.

EFFECTIVE DATE: This legislation would take effect immediately, and would be deemed repealed 10 years after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures for it is determined that DOE can use existing resources to report this information.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Department of Education

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Elizabeth Hoffman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Director
Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 25, 2016 as Intro. 1193 and referred to the Committee on Education. The Committee on Education held a hearing on this legislation on September 21, 2016. The legislation was subsequently amended and the amended version, Proposed Intro. 1193-A, will be voted on by the Committee on Education on December 5, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1193-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 1, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1193-A:)

Int. No. 1193-A

By Council Members Levine, Menchaca, Chin, Mendez, Barron, Rose, Rosenthal, Kallos, Levin, Dromm and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on computer science education in New York city 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 10 to read as follows:

Chapter 10. Computer Science Education Reporting

§ 21-972 Reporting on computer science education. a. For the purposes of this section, the following terms have the following meanings:

Computer science program. The term "computer science program" means any class, component of a class, or curriculum designed to enable students to learn computing concepts, including but not limited to abstraction, algorithms, programming, data and information, and networks.

Certified STEM instructor. The term "certified STEM instructor" means a teacher who is licensed to teach a specific STEM subject.

"School" means a school of the city school district of the city of New York.

"STEM" means science, technology, engineering or math.

"Student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law.

b. Not later than April 30, 2017, and annually thereafter on or before April 30, the department shall submit to the speaker of the council and post conspicuously on the department's website a report for the preceding academic year which shall include, but not be limited to, the following:

1. The total number of computer science programs offered in each school, including information regarding the nature of the computer science programs and whether such programs are advanced placement computer science classes, to the extent such information is available;

2. The number and percentage of students who enrolled in a computer science program, disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; (iv) English language learner status; (v) eligibility for the free and reduced price lunch program; (vi) grade level; and (vii) community school district;

3. The number of designated full-time and part-time certified STEM instructors providing instruction at each school; and the ratio of full-time certified STEM instructors to students at each school;

4. Information regarding the STEM institute administered by the department, including but not limited to, the nature of the training offered, the number of teachers trained, organizations involved, the funding provided and the source of such funding;

5. Information regarding the department's computer science initiatives; and

6. Information regarding the total available bandwidth in megabits per second provided in each school building; and for each such school building containing more than one school, the schools in such building.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

d. This chapter expires ten years after the effective date of the local law that added this chapter.

§ 2. This local law takes effect immediately and is deemed repealed 10 years after it becomes law.

DANIEL DROMM, *Chairperson*; VINCENT J. GENTILE, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ; MARGARET S. CHIN, STEPHEN T. LEVIN, INEZ D. BARRON, CHAIM M. DEUTSCH, MARK LEVINE, ALAN N. MAISEL, ANTONIO REYNOSO, HELEN K.ROSENTHAL, MARK TREYGER; BEN KALLOS, RAFAEL SALAMANCA, Jr.; Committee on Education, December 5, 2016.

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

Report of the Committee on Fire and Criminal Justice Services

Report for Int. No. 1260-A

Report of the Committee on Fire and Criminal Justice Services 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 transporting inmates in the custody of the department of correction to all criminal court appearances

The Committee on Fire and Criminal Justice Services, to which the annexed proposed amended local law was referred on September 14, 2016 (Minutes, page 2991), respectfully

REPORTS:

I. INTRODUCTION

On Monday, December 5, 2016, the Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley, will hold a committee vote on three bills related to the Department of Correction ("DOC"). The Committee previously held a hearing on these bills on September 26, 2016. At that time, the Committee heard testimony from the Department of Correction, the Department of Investigation, the Correction Officers Benevolent Association, The Osborne Association, Brooklyn Defender Services, the Jails Action Coalition, the Urban Justice Center, the NAACP Legal Defense and Educational Fund, and The Legal Aid Society regarding this and other bills heard at that time.

II. BACKGROUND AND ANALYSIS OF PROP INT. NO. 1260-A

It is fairly common for an individual charged with a crime in New York City to have one or more open criminal cases at the time of their arrest and subsequent arraignment on such charges. This occurs when such individual is arrested for one criminal case, then is either released or posts bail on that case, and while at liberty pending the outcome of that case is arrested and charged in a subsequent case. If such an individual enters the custody of the DOC because they either cannot post bail or are remanded on their "new" case, the DOC will transport them to all of their court dates for such "new" case, but will not transport them to any appearances for their open criminal case or cases.[1] A similar problem exists in the court system: this system has no automated mechanism for identifying that such individuals are in custody, and therefore warrants are sometimes ordered in these cases despite such person being in DOC custody when the warrant is issued.[2] Information provided by the Mayor's Office of Criminal Justice indicates this may happen many thousands of times per year. Even if courts are made aware of the defendant's incarceration, paperwork must be filed and signed by a judge to ensure that the DOC produces these individuals for subsequent court dates, and during the time between such person's original court date and their subsequently arranged appearance, these defendants do not receive jail credit despite being actually incarcerated during this time.[3]

This issue can lead to significant problems for all stakeholders in the criminal justice system. District Attorneys may be charged speedy trial time for all court appearances for which an incarcerated defendant is not produced, unless they exercised "due diligence" in attempting to produce such defendant.[4] Criminal defendants either have warrants issued for their arrests for appearances during which they were incarcerated, or

[1] Information provided to the Council by the DOC and criminal justice advocates.
[2] Information provided to the Council by criminal justice advocates.
[3] Id.
[4] See New York Criminal Procedure Law § 30.30(4)(c)(i)

lose out on jail credit to which they are entitled. Judges must sign needless paperwork, and their staff must fax this paperwork to the DOC.[5]

This bill attempts to remedy these issues by requiring that the DOC notify the court system if an incarcerated defendant has other open cases, and produce all such inmates to all criminal court appearances, even those for which these inmates are not technically in the custody of the department. The bill makes this requirement contingent on the State's Office of Court Administration providing the DOC access to information regarding inmates' possible open court dates. The bill would take effect immediately, but the DOC would not be required to implement it until April 1, 2017.

III. AMENDMENTS TO INT. NO. 1260

Intro. No. 1260 has been modified since it was first introduced. The bill now requires DOC to notify the court system in addition to transporting inmates to court appearances, and requires this transport only "as required by the court." The section making the bill's requirements contingent on the Office of Court Administration providing necessary information was also added. Finally, the effective date has been changed.

IV. BACKGROUND AND ANALYSIS OF PROP. INT. NO. 1261-A

In a criminal case, if a defendant posts cash bail,[6] the City's Department of Finance ("DOF") is "entitled" to collect up to a 3 percent fee on such bail.[7] Though the funds must be returned to the person who posted such bail if the bail is exonerated or remitted,[8] the City may keep this 3 percent fee unless the case was terminated "in favor of the accused."[9] An action is terminated "in favor of the accused" if it is dismissed or an adjournment in contemplation of dismissal is granted, but not if the person pleads guilty to any offense, even a non-criminal offense.[10]

This bill would allow the DOF to waive the collection of these fees "after consideration of the budgetary impact on the city of such a waiver, the purpose of orders of bail and the equitable administration of justice." The bill would take effect immediately.

V. AMENDMENTS TO PROP. INT. NO. 1261-A

Intro. No. 1261-A has been modified very slightly since it was first introduced. A reference to section 3-h of the State's Social Service Law has been updated to section 111-h, to reflect a change in that State law.

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[5] Information provided to the Council by criminal justice advocates.
[6] New York Criminal Procedure Law, Title P
[7] N.Y. Gen. Mun. Law § 99-m, subdivisons 1, 3, and 4.
[8] This would occur if the defendant made all their court appearances, regardless of the outcome of the case. See Criminal Procedure Law ("CPL") § 540.10. The only exception to this rule would be if the defendant owed a fine, in which case the bail funds could be used towards payment of such fine. N.Y. Gen. Mun. Law § 99-m(1); CPL § 420.10.
[9] [9] N.Y. Gen. Mun. Law § 99-m(1) and (3)
[10] CPL § 160.50

VI. BACKGROUND AND ANALYSIS OF PROP. INT. NO. 1262-A

The DOC began housing pretrial detainees in Department-issued uniforms on September 10, 2015.[11] By March 8, 2016, uniforms had been issued in 4 DOC facilities, but detainees in the remainder of these facilities were housed in civilian clothing.[12] The DOC has indicated to the Council that at this time, most or all pretrial detainees are housed in DOC uniforms. Prior to this policy, inmates were typically produced for court appearances in civilian clothing.[13]

The Department has stated that inmates will have the option to wear civilian clothes for any court appearance involving a jury, including a grand jury.[14] State law prohibits a criminal defendant from appearing before a trial jury in a jail uniform, as "a defendant is presumed innocent and he is entitled to appear in court with the dignity and the self-respect of a free and innocent man."[15] The federal Constitution similarly prohibits this practice in most conditions, as the United States Supreme Court has noted that "compelling the accused to stand trial in jail garb operates usually against only those who cannot post bail prior to trial" and that such a practice "would be repugnant to the concept of equal justice embodied in the Fourteenth Amendment."[16] Therefore, a judge would almost certainly prevent any trial from proceeding in which a defendant was produced in a jail uniform. However, judges do not preside over individual grand juries,[17] practices that are prohibited in a jury trial are not necessarily prohibited in the grand jury, and State law does not necessarily prohibit the appearance of a criminal defendant before a grand jury in a jail uniform.[18] Criminal justice advocates testified at this bill's hearing that the DOC does regularly produce inmates in DOC uniforms for grand jury appearances.

When the DOC announced the implementation of its uniform policy, members of the BOC questioned the DOC on the number of inmates released during court appearances in DOC uniforms.[19] The DOC indicated that it had "begun putting together a plan to have a supply of civilian clothing at each court command" so that inmates discharged from court would have the ability to access civilian clothing.[20] Reports from advocates submitted at this bill's hearing indicated that criminal defendants are unaware of this access to clothing, and are often released from court in DOC uniforms.

This bill would require all inmates to be produced for criminal court appearances in civilian clothing unless the inmate had no such clothing available or if the inmate chooses not to wear such clothing. In such cases, the bill requires the DOC to provide "new or gently used, size appropriate clothing of a kind customarily worn by persons not in the custody of the department" unless the inmate chose to wear the DOC uniform or a court so required. The bill also requires the DOC to permit personal clothing to be delivered to inmates at appropriate times, and requires the DOC to provide "new or gently used, size appropriate clothing of a kind customarily worn by persons not in the custody of the department" to those inmates discharged from DOC custody during court appearances. The bill would take effect 120 days after it becomes law.

V. AMENDMENTS TO PROP. INT. NO. 1262-A

Intro. No. 1262 has been modified since it was first introduced. The original version of the bill required all inmates to be produced in their personal clothing, whereas this version of the bill requires only that inmates appearing for trial or grand jury appearances be so produced. The provision that the DOC provide "new or

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[11] See, Board of Correction minutes, October 13, 2015, at p. 3.
[12] Board of Correction minutes, March 8, 2016, at p. 5.
[13] Cf. Id.; Board of Correction Minutes, January 13, 2015, at p. 16-17
[14] See Id. at p. 5, testimony of Deputy Commissioner Farrell.
[15] People v. Roman, 35 N.Y.2d 978, 979 (1975)
[16] Estelle v. Williams, 425 U.S. 501, 505-506 (1976)
[17] See New York Criminal Procedure Law, Article 180
[18] The Fourth Department has held that it was "error" to permit a defendant to testify before a grand jury in a uniform, while handcuffed, but that a District Attorney's "cautionary instruction" on this issue "dispelled any possible prejudice" to the defendant. People v. Pennick, 2 A.D.3d 1427, 1427-1428 (App Div. 4th Dept. 2003); see also People v. Crumpler, 70 A.D.3d 1396, 1397, 894 N.Y.S.2d 303, 303 (App. Div. 4th Dept. 2010).
[19] Board of Correction minutes, October 13, 2015, at p. 3.
[20] Id.

gently used" clothing was added, as was the exception for court orders and the requirement that those discharged from custody from court appearances be provided "new or gently used" clothing. Finally, the effective date was changed from 90 to 120 days after the bill becomes law.

(The following is the text of the Fiscal Impact Statement for Int No. 1260-A:)

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

PROPOSED INTRO. NO: 1260-A
COMMITTEE: Fire and Criminal Justice Services

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to transporting inmates in the custody of the department of correction to all criminal court appearances

SPONSORS: The Speaker (Council Member Mark-Viverito) and Council Members Chin and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. 1260-A would require the Department of Correction (DOC) to, within 48 hours of an inmate's admittance into DOC's custody, check the Office of Court Administration's (OCA) database to identify all of the inmates open criminal cases. In addition, this bill would require DOC to notify the Office of Court Administration (OCA) that the defendant is in DOC custody, and provide transportation for inmates to all court appearances. The requirements of the proposed bill would apply only when OCA reaches an agreement with DOC to share OCA database.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation. However, the DOC would have to assign a staff team to carry out the requirements of Proposed Intro. No. 1260-A. Given the DOC's budgeted headcount, we estimate that the Department could use existing personnel to review inmates' OCA files and schedule court appearances.

The DOC has indicated that the agency would require substantial additional resources to implement this bill. DOC estimates it would need a four person team comprised of one Captain, a Community Coordinator, and three Program Specialists at a total annual cost of more than $350,000. DOC also projects an increase in inmate transports to court that would require a budget increase of $500,000. We estimate that the additional

transports could be accommodated in the Department's existing capacity. Finally, the DOC has indicated that the agency would spend as much as $2 million to build a data bridge with OCA. This estimate is exceptionally high and we expect the DOC to be able to access OCA's data using its existing technology infrastructure.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council
New York City Department of Correction
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jin Lee, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2016 as Intro. No. 1260 and referred to the Committee on Fire and Criminal Justice Services. A hearing was held by the Committee on Fire and Criminal Justice Services on September 26, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1260-A, will be voted on by the Committee on Fire and Criminal Justice Services at a hearing on December 5, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1260-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 5, 2016

(For text of Int Nos. 1261-A and 1262-A and their Fiscal Impact Statements, please see the Report of the Committee on Fire and Criminal Services for Int Nos. 1261-A and 1262-A, respectively, printed in these Minutes; for text of Int No. 1260-A, please see below)

Accordingly, this Committee recommends the adoption of Int Nos. 1260-A, 1261-A, and 1262-A.

Int. No. 1260-A

By The Speaker (Council Member Mark-Viverito), Council Members Chin, Dromm, Rosenthal, Levin, Lander, Kallos and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to transporting inmates in the custody of the department of correction to all criminal court appearances

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 9-146 to read as follows:

§ 9-146 Inmate court appearance transportation. a. By April 1, 2017 and upon gaining access to such database described in subdivision c of this section, the department shall, within 48 hours of admission of an inmate to the custody of the department, determine whether an inmate has any pending court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court other than those appearances for cases for which such defendant is admitted to the custody of the department or that pertain solely to the payment of court surcharges.

b. In complying with subdivision a, the department shall:

1. notify the office of court administration that such inmate is in department custody upon determination of such court appearance, pursuant to subdivision a; and

2. provide, as required by the court, transportation for every inmate for all such court appearances.

c. The department shall make every effort to reach an agreement with the office of court administration to gain access by the department to a database maintained by the office of court administration related to court appearances scheduled in New York city criminal court or the criminal term of New York state supreme court. The requirements set forth in subdivisions a and b of this section shall apply only when the office of court administration reaches such agreement with the department.

§ 2. This local law takes effect immediately.

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, PAUL A. VALLONE; Committee on Fire and Criminal Justice Services, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1261-A

Report of the Committee on Fire and Criminal Justices in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to authorizing the waiver of fees in the collection of cash bail collection of cash bail.

The Committee on Fire and Criminal Justice Services, to which the annexed proposed amended local law was referred on September 14, 2016 (Minutes, page 2991), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Criminal Justice Services for Int No. 1260-A printed in the Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1261-A:

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

PROPOSED INTRO. NO: 1261-A
COMMITTEE: Fire and Criminal Justice Services

TITLE: A Local Law to amend the New York city charter, in relation to authorizing the waiver of fees in the collection of cash bail	**SPONSORS:** The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. 1261-A would authorize the Commissioner of the Department of Finance (DOF) to waive the three percent fee that the Department currently retains from cash bail posted on

behalf of defendants subsequently convicted of a crime, after consideration of the budgetary impact on the city of such a waiver.

EFFECTIVE DATE: This local would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	($650,000)	($650,000)	($650,000)
Expenditures	$0	$0	$0
Net	($650,000)	($650,000)	($650,000)

IMPACT ON REVENUES: It is anticipated that the Commissioner would waive the three percent fee. As a result, there would be a decrease of $650,000 in revenue collected by DOF per fiscal year as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would no impact on expenditures as a result of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council
Mayor's Office of Criminal Justice

ESTIMATE PREPARED BY: Jin Lee, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Head Unit

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2016 as Intro. No. 1261 and referred to the Committee on Fire and Criminal Justice Services. A hearing was held by the Committee on Fire and Criminal Justice Services on September 26, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1261-A, will be voted on by the Committee on Fire and Criminal Justice Services at a hearing on December 5, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1261-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 2, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1261-A:)

Int. No. 1261-A

By The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin, Dromm, Rosenthal, Levin, Lander, Kallos, Menchaca, Espinal and Barron.

A Local Law to amend the New York city charter, in relation to authorizing the waiver of fees in the collection of cash bail

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 3 of section 1504 of the Charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

b. The department shall administer and manage all trust funds received or held by the city pursuant to a judgment, decree or order of any court or under section eleven hundred twenty-three of the surrogate's court procedure act, section ninety-nine-m of the general municipal law, sections eighty-seven and [three-h] *one hundred eleven-h* of the social services law, sections four hundred twenty-six and four hundred thirty-two of the real property law, section two hundred four of the lien law and section five hundred fifty-three of the county law, and in such administration it shall be deemed to be acting in a fiduciary capacity. The department shall provide for the receipt and safekeeping of all such moneys of the trust funds held by the city and disburse the same on warrants signed by the comptroller. *The department may waive the fees to which the commissioner is entitled under section ninety-nine-m of the general municipal law after consideration of the budgetary impact on the city of such a waiver, the purpose of orders of bail and the equitable administration of justice.*

§2. This local law takes effect immediately.

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, PAUL A. VALLONE; Committee on Fire and Criminal Justice Services, December 6, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1262-A

Report of the Committee on Fire and Criminal Justices 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 regulating the use of uniforms by the department of correction for court appearances.

The Committee on Fire and Criminal Justice Services, to which the annexed proposed amended local law was referred on September 14, 2016 (Minutes, page 2992), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Criminal Justice Services for Int No. 1260-A printed in the Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1262-A:

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

PROPOSED INTRO. NO: 1262-A
COMMITTEE: Fire and Criminal Justice Services

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of correction from producing inmates to court appearances in departmental uniforms

SPONSORS: The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin and Dromm

SUMMARY OF LEGISLATION: Proposed Intro. 1262-A would require the Department of Correction (DOC) to produce inmates in their personal clothing when appearing for court appearances involving a jury. If the inmate does not have personal clothing available, this bill would require the DOC to provide such inmates with weather- and size-appropriate civilian clothing.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY18
Revenues	$0	$0	$0
Expenditures	$0	$0	$0
Net	$0	$0	$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation. In order to implement the requirements of this bill, the DOC would have to establish a supply of appropriate clothing at each of the courthouses and implement a system for distributing clothing to inmates before court appearances and before release from custody at a courthouse. DOC also would have to collect and launder clothing worn during court appearances. DOC would require storage space for clothing at each of the 14 courthouses. The DOC has indicated that the agency would spend approximately $800,000 each year to purchase clothing, and would need additional staff to carry out the requirements of Proposed Intro. No. 1262-A. The DOC's staffing estimate is that the agency would assign 18 correction officers at an approximate annual cost of $1.4 million. Upon review of the DOC's budgeted headcount and current staffing patterns in the courthouses, we estimate that DOC would be able to fulfill the requirements of this bill using existing resources. The DOC would incur some one-time costs to initially stock clothing closets and to develop procedures for distribution of clothing but there are sufficient budgetary resources available to carry out the requirements of this bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council
New York City Department of Correction
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Jin Lee, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Head Unit

LEGISLATIVE HISTORY This legislation was introduced to the Council on September 14, 2016 as Intro. No. 1262 and referred to the Committee on Fire and Criminal Justice Services. A hearing was held by the Committee on Fire and Criminal Justice Services on September 26, 2016 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1262-A, will be voted on by the Committee on Fire and Criminal Justice Services at a hearing on December 5, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1262-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1262-A:)

Int. No. 1262-A

By The Speaker (Council Member Mark-Viverito) and Council Members Richards, Chin, Dromm, Rosenthal, Levin, Lander, Kallos, Menchaca, Espinal and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to regulating the use of uniforms by the department of correction for court appearances

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 9-147 to read as follows:

§ 9-147 Inmate court appearance clothing. Except as provided elsewhere in this section, the department shall provide every inmate appearing for a trial or before a grand jury with access to clothing in their personal property prior to transport for such appearance, and produce all such inmates for such appearances in such clothing. If such clothing is not available, or if an inmate chooses not to wear their personal clothing, the department shall provide such inmate with new or gently used, size appropriate clothing of a kind customarily worn by persons not in the custody of the department, unless (i) such inmate chooses to wear the uniform issued by the department, or (ii) such inmate is required to wear such uniform by an order of the court. The department shall permit personal clothing to be delivered to an inmate during such time as packages are permitted to be delivered under title 40 of the rules of the city of New York or during reasonable hours the day before an inmate's scheduled appearance for a trial or before a grand jury. New or gently used, weather- and size-appropriate clothing of a kind customarily worn by persons not in the custody of the department shall be offered to any inmate released from the custody of the department from a court, unless the inmate is wearing the inmate's own personal clothing.

§ 2. This local law takes effect 120 days after it becomes law.

ELIZABETH S. CROWLEY, *Chairperson*; MATHIEU EUGENE, FERNANDO CABRERA, PAUL A. VALLONE; Committee on Fire and Criminal Justice Services, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1182-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 modification and removal of certain deed restrictions.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on, May 25 2016 (Minutes, page 1468), respectfully

REPORTS:

Introduction

On December 5, 2016, the Committee on Governmental Operations, chaired by Council Member Benjamin Kallos, held a hearing on Int. No. 1182-A, a local law in relation to modification and removal of certain deed restrictions. The first hearing on this legislation was on September 29, 2016. Following the hearing, the bill was significantly expanded to establish a policy concerning the modification and removal of deed restrictions.

In preparing for the first hearing on this bill—which included an oversight component examining the lifting of the Rivington House deed restrictions conducted jointly with the Committee on Oversight and Investigations—Council staff reviewed tens of thousands of pages of documents, hundreds of pages of transcripts of interviews of over a dozen city officials, and carefully reviewed reports regarding investigations of this matter conducted by the Department of Investigation and the Comptroller's office. This report contains information culled from those and other sources.

Rivington House is a six-story structure located at 45 Rivington Street on the Lower East Side of Manhattan. As discussed in more detail below, the property was at one time publicly owned, and as a condition of its sale in 1992 to a not-for-profit organization, two restrictions were placed on the deed, limiting the use and development of the property only to a: (i) not-for-profit; and (ii) residential healthcare facility.[1] Rivington House operated as such, serving as a nursing home for persons with HIV/AIDS for the next 22 years.

In February 2015, the property was sold with these user and use restrictions in place to a new owner, the Allure Group, for $28 million. In November 2015, the City of New York received $16.15 million as payment in exchange for the removal of the two deed restrictions.[2] In February 2016, the property was sold again, without the deed restrictions, for $116 million to Slate Property Group, a real estate development firm that was seeking to use the property for luxury condominiums.

Multiple city agencies and offices, including the Department of Citywide Administrative Services ("DCAS"), the Law Department, the Mayor's Office for Contract Services ("MOCS"), and City Hall, were involved in the process to approve the removal of the deed restrictions. Since February, and following significant outcry from the community, multiple entities, including the Department of Investigation ("DOI"), the Office of the New York City Comptroller ("Comptroller"), and the New York State Attorney General, initiated audits and investigations into the removal of the deed restrictions and the sale of the property. The oversight hearing

[1] Deed of sale from the City of New York to Rivington Housing Health Care Facility, Dec. 3, 1992, NYC_00000475.
[2] Deed, Feb. 11, 2015.

focused on how the City's procedures and policies for the lifting of deed restrictions—along with the oversight of these processes by City Hall—allowed a community facility to be flipped into luxury housing as part of a lucrative real estate deal with little to no public notice or input.

Process to Lift a Non-ULURP Deed Restriction

The New York City Charter stipulates that the Mayor may only authorize the sale of real property "for the highest marketable price… at public auction or by sealed bids," except for certain unrelated exemptions.[3] A restriction on a property's deed is generally presumed to lessen its value, as it may restrict the use of the property. Thus, when a property that the City retains an interest in, due to the attachment of a deed restriction, is sold to a private entity, those restrictions may result in the property fetching a lower price than if it were not encumbered. Consequently, when the City considers lifting a restriction, as a matter of policy, the City requires the payment of "fair consideration," which serves as compensation for the restoration in value to the property.

In the early 1990s—a period when the City was conducting a large number of public auctions—the Law Department developed guidelines to govern the lifting or modification of deed restrictions. These guidelines included that: (1) there should be at least 10 years between the sale and the release of any deed restrictions; (2) a planning determination should be made that the release is in the best interests of the City; (3) fair consideration should be obtained for the release, pursuant to an appraisal; (4) if the restriction was imposed through Uniform Land Use Review Procedure ("ULURP"), then the restriction removal process should also require ULURP; and (5) notice in the City Record, a public hearing, and Mayoral authorization are all required.[4]

Prior to recent changes announced by the de Blasio Administration, DCAS applied these guidelines through a multi-step process for lifting a deed restriction. The steps, as outlined in a DCAS memorandum dated April 5, 2010, consisted of the following: (1) a preliminary assessment of the feasibility of modifying the deed, including whether modification is appropriate and in the best interests of the City; (2) preparation of a Land Use Justification Memo explaining the rationale for why the restriction is "no longer in the City's best interest or the intent of the restriction has substantially changed" and confirming that the owner is in good standing; (3) an appraisal of the property, where the cost to remove the deed restriction(s) is calculated as a percentage of the total appraised value (updated every six months, if necessary); (4) agreement between DCAS and the owner on the cost of removing the restriction(s); (5) provision by the owner to DCAS of real estate disclosure documents and the confirmation by DCAS that there are no outstanding debts on the property; (6) publishing notice in the City Record to advertise the public hearing held by MOCS on the proposed deed restriction removal; (7) preparation of a Mayoral Authorization Document by MOCS, after a public hearing, stating that the Mayor authorizes DCAS to modify the deed and that the action is in the best interest of the City; (8) determination by DCAS whether there are additional actions required to remove the restrictions; (9) provision of a file by DCAS to the Law Department for the closing and deed removal; and (10) payment by the owner of the agreed cost to the City at closing, with the payment deposited in the General Fund.[5]

DCAS considers the removal of a deed restriction where there is a "rational basis" to believe that the deed restriction no longer supports the goals of the City and where it is in the City's "best interest" for the restriction to be lifted.[6] However, DCAS's process, in which there is no specific responsibility to conduct a "best interest of the City" analysis, leads to the approval of most deed restriction removal requests.[7] The DCAS Commissioner is not required to approve the removal, a practice that differs from the deed removal process of the Department of Housing Preservation and Development ("HPD") and the Economic Development Corporation ("EDC"). Additionally, there had been no formal role for the Mayor in the deed restriction removal process, prior to recently proposed changes. By contrast, the ULURP process requires review and approval by several entities, as well as engagement with the local Community Board, the Borough President (and the Borough Board, in certain cases), the City Planning Commission ("the Commission"), the City Council, and the Mayor. DCAS's process allows for limited public notice and input at just two stages: notice in the City Record of MOCS' public hearing

[3] N.Y.C. Charter § 384(b)(1).
[4] N.Y.C. Law Department, NYC_00001061.
[5] N.Y.C. Department of Citywide Administrative Services, Memorandum regarding Deed Restriction Removal Process, Apr, 5, 2010, NYC_00009234.
[6] *Id.*
[7] Emails, NYC_00015999.

on the proposed removal and the hearing itself, which is optional.[8] At the point DCAS advertises the public hearing, it has already completed several stages of the deed removal process, including the initial Land Use Justification memo, appraisal, agreement on the cost of removing the restriction, and confirmation that there are no outstanding debts on the properties.[9] In the case of Rivington House, DCAS published public notice of the hearing in the City Record for a single day, May 11, 2015.[10] The property was not listed by its name or address, but rather as "Block 420, Lot 47."[11] MOCS added the matter to its public calendar on June 18, 2015, six days prior to the hearing, listed as "154 Forsyth Street."[12] The role of MOCS in organizing public hearings consists of reviewing documents sent by the requesting agency, confirming public notice has been placed in the City Record, and adding the hearing to its public calendar.[13]

Rivington House

In 1992, the City sold Rivington House to a not-for-profit organization, now known as VillageCare, for $1.5 million.[14] In transferring the property, the City utilized New York State's Public Health Law disposition process to avoid selling the property in accordance with the Charter's competitive bidding requirements. In place of having to sell the property "for the highest marketable price… at public auction or by sealed bids,"[15] section 2861 of the New York State Public Health Law permitted the sale of the property without auction or competitive bidding because it was a "nursing home property," as that term is defined under State law.[16]

At the time the City sold the property, in 1992, the deed contained the following two-part restriction:

> *"Use and development of the subject property is limited in perpetuity to a Not-For-Profit "Residential Health Care Facility'', as such use is defined in the New York State Public Health Law or successor statutes ("Facility"), and uses ancillary thereto."*[17]

After taking ownership of the property, VillageCare converted it into a nursing facility that would provide care and treatment of people with HIV/AIDS. VillageCare opened the facility in 1995 and it remained in operation until 2015.[18]

In the fall of 2012, James Capalino, a lobbyist, contacted DCAS on behalf of VillageCare to inquire about removing the restrictions from the deed in an effort to locate a buyer, due to the changing needs for HIV/AIDS services.[19] At the time, VillageCare was interested in "explor[ing] removing the restriction so that the asset can be sold, with the proceeds to be used by the organization to continue its mission in other, more modern and viable ways," but would likely "be unable to afford the removal of the restriction."[20] Capalino asked DCAS if "there is some way to have the restriction removed from the deed with the [non-profit] organization paying" the fee.[21] While VillageCare continued discussions with DCAS and HRA on the future of Rivington House until the end of the Bloomberg Administration, they were unable to reach an agreement.

Within two weeks of Mayor Bill de Blasio taking office, VillageCare and Capalino relaunched their efforts to have the Rivington House deed restrictions removed, contacting Deputy Mayor Lilliam Barrios-Paoli for

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[8] *Id.*
[9] *Id.*
[10] City Record, May 11, 2015, *available at* NYC_000000076**.**
[11] *Id.*
[12] Mayor's Office of Contract Services, Public Calendar, Jun. 24, 2015, *available at* NYC_00000104.
[13] N.Y.C. Department of Citywide Administrative Services, *supra* note 6.
[14] Deed of sale from the City of New York to Rivington Housing Health Care Facility, Dec. 3, 1992, NYC_00000475.
[15] N.Y.C. Charter § 384(b)(1).
[16] "Nursing home" means a facility providing therein nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health-related service, or any combination of the foregoing, and in addition thereto, providing nursing care and health-related service, or either of them, to persons who are not occupants of the facility.
[17] Deed of sale from the City of New York to Rivington Housing Health Care Facility, Dec. 3, 1992, NYC_00000475. The deed restriction although one clause has been referred to in most reports as a 'two part restriction". For consistency this report will refer to it as a two part restriction.
[18] Emails, NYC_00003671.
[19] Emails, NYC_00004544 and NYC_00003326.
[20] *Id.*
[21] *Id.*

assistance, explaining that DCAS "agreed to remove" them, but "with a hefty penalty of $8.25 million."[22] Capalino argued that paying such a fee would negatively impact VillageCare's ability to use proceeds to fund programs.[23] After Capalino was directed to contact DCAS by Deputy Mayor Barrios-Paoli's office, his firm sent DCAS Commissioner Stacey Cumberbatch a memo explaining VillageCare's situation and asking for assistance.[24] On the day Steven Banks was appointed Commissioner of the Human Resources Administration (HRA)—February 28—Capalino began outreach to that agency.[25] The campaign continued into the spring, with VillageCare requesting a meeting with First Deputy Mayor Tony Shorris' Chief of Staff, Dominic Williams, in May.[26] In her correspondence, VillageCare's CEO, Emma DeVito stated "…if we move forward with the change in use" DCAS will "remove both of the deed restrictions in consideration for payment of an estimated $8.25M," citing a figure based on a 2013 appraisal conducted by DCAS.[27]

Following a series of conversations and meetings with staff from HRA, the Department of Housing Preservation and Development ("HPD") and DCAS, on July 25, 2014, Commissioner Cumberbatch informed Capalino that they would not approve lifting the restrictions "at this time" while the City would be considering other options for the use of Rivington House.[28] On the same day, Commissioner Cumberbatch met with First Deputy Mayor Shorris to discuss several issues, including Rivington House.[29] Subsequently, on August 3, 2014, First Deputy Mayor Shorris sent a memo to Mayor de Blasio referring back to the July 25 meeting, noting that it was "the one I showed you."[30]

During August and September of 2014, staff for Deputy Mayors Barrios-Paoli and Shorris continued to explore options for the disposition of Rivington House. One "very high level summary" of possible options included: (1) allowing private sale; (2) transferring property to another nonprofit/use (affordable housing); and (3) maintaining space for its current use.[31] The summary says that DCAS "does not have stringent policies on approval of sales," in contrast to HPD, noting that Capalino has "multiple requests" to HPD for approval of sales and HPD has "consistently denied" those requests.[32] The summary argues that a private sale of Rivington House could "send the message that all city deed restrictions are up for debate."[33] One version of this memorandum circulated within Deputy Mayor Barrios-Paoli's office recommended a "denial of sale" and that the property be used to support affordable housing.[34] A week later, First Deputy Mayor Shorris' staff received a version without this recommendation.[35]

On September 29, 2014, Deputy Mayors Shorris, Barrios-Paoli, and Alicia Glen met to discuss Rivington House and potential uses.[36] The same day, a policy advisor in First Deputy Mayor Shorris' office circulated a summary to meeting attendees with action items and the conclusion that the "[C]ity's perspective on first-best use, pending further inquiries with HPD and Law, is to modify covenant so that VillageCare can sell to a [non-profit] developer for mixed use that includes market retail on ground floor and mixed units above which can include supportive housing."[37] A later memorandum directs HPD to do a site assessment, and City Hall staff to consult with the Law Department and schedule a meeting with the union representing health care workers at Rivington House, 1199SEIU ("1199").[38]

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[22] Emails, NYC_00014803 and NYC_00000299.
[23] *Id.*
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] Emails, NYC_000003816 and NYC_000003817.
[28] Emails, NYC_00014525, NYC_00000348, and NYC_00015999.
[29] Email, NYC_00001271.
[30] Email, NYC_00001271.
[31] Memorandum and emails, NYC_000002798 and NYC_000006109.
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] Emails, NYC_000002802.
[37] *Id.*
[38] *Id.*

Emergence of a buyer

In October 2014, City Hall learns from 1199 that VillageCare "is most likely selling to a non-profit nursing home operator," which City Hall staff concluded to mean that the City "won't be involved in the disposition of the sale and [] don't have the ability to reclaim the property for an alternative use."[39] VillageCare later confirmed that they found a non-profit buyer and, at this point, the City appears to cease examining potential uses for Rivington House.[40] That buyer, the Allure Group, was a for-profit nursing home group ("Allure"), headed by Joel Landau.[41]

In spite of VillageCare's securing a non-profit buyer, City Hall remained engaged in dealing with matters related to Rivington House as it fielded a variety of concerns from Landau, VillageCare, and 1199 regarding the sale. In December 2014, Emma Wolfe, the City's Director of Intergovernmental Affairs, emailed Deputy Mayors Shorris and Glen, Williams, and a number of other City Hall staffers that 1199 was "urgently" reaching out because they heard Rivington House is "being converted to housing and 200 workers are going to lose their jobs," "feel rug pulled out after months of work," and that Kevin Finnegan, then-political director of 1199—"says he's been in touch with us on this and got OK on it."[42] Nearly a week later, a City Hall staffer replied to the entire chain, explaining that the last she heard from 1199 and VillageCare, a sale to a nursing home operator "was on track," but that "if the plans changed to sell to a developer for housing then cityhall [sic] approval is needed for DCAS to lift the deed restrictions."[43]

Later that day, City Hall staff spoke to VillageCare and Landau, who claimed that the City could repossess the building if the deed restrictions remained, due to an old lien on the property requiring that the owners provide priority access to patients referred by the New York City Health and Hospitals Corporation for a ten year period, ending in 2002.[44] Further, 1199 sent City Hall a letter from Landau arguing that he would not be able to secure funding to purchase Rivington House due to "a reverter clause that in the event of a default on the property loans on the property, the City of New York would be the receiver of the property."[45] Landau claimed that "each of [Allure's] financing sources had denied it loans due to the second restriction," asking that the City "subordinate its interest" in Rivington House in the event of a default.[46] City Hall then consulted with the Law Department, who determined that lifting subordination agreement was not necessary, as they believed Landau could secure financing regardless.[47] City Hall then began to pressure DCAS to expedite the removal of the lien, saying that it "need[ed] this wrapped up as soon as possible," while also attempting to facilitate a quick denial of a request for subordination that Landau appears to never even formally requests.[48]

Throughout the fall of 2014 and concurrent with City Hall's interactions with the agency on the lien and request for subordination, DCAS was moving along in the deed restriction removal process. In September 2014, First Deputy Mayor Shorris' staff contacted DCAS' Chief of Staff regarding the steps required to remove the Rivington House deed restrictions, "assuming VillageCare pays the $8 million and change in order to lift the 2 restrictive covenants."[49] Commissioner Cumberbatch was notified, with the comment that "it looks like there is movement of the [Rivington House] issue."[50] After learning of this email, Randal Fong, an Assistant Commissioner at DCAS, directs his staff to begin drafting the Land Use Justification Memorandum ("LUJ"), as City Hall's inquiry "gave [him] the idea that we should prepare" it.[51]

By January 2015, DCAS had ordered an updated appraisal, and prepared a LUJ for lifting the Rivington deed restrictions, one of the steps required in DCAS's removal process.[52] Using language lifted directly from Capalino's February 2014 memo to Commissioner Cumberbatch, DCAS' explained that the removal of the restrictions was justified by stating in the LUJ that "….the need for the property to continue to be used as a

[39] Emails, NYC_000002784.
[40] *Id.*; emails, NYC_00016176.
[41] VLC_00001157; NYC_00001126; and Riving_010049.
[42] Emails, NYC_00003021; NYC_00003050; and NYC_00016938.
[43] *Id.*
[44] *Id.;* Emails, NYC_00002838; NYC_00012573; NYC_00011189; NYC_00006881; and NYC_00006533.
[45] Emails, NYC_00003055.
[46] *Id.*
[47] Emails, NYC_00002976, NYC_00002985, NYC_00003075, and NYC_00012819.
[48] *Id.*; Emails, NYC_00002838, NYC_00012573, NYC_00011189, NYC_00006881, and NYC_00006533.
[49] Emails, NYC_00012132 and NYC_00006524.
[50] *Id.*
[51] Fong Int. at 47.
[52] *Id.*; Emails, NYC_00010069.

residential health care facility has…since passed….[t]he requirements imposed in the deed are now obsolete.[53] The memo concluded that "removing the restrictions would allow the property to be managed by, for-profit and not-for-profit operators and be used by a wider variety of permitted uses."[54] On February 9, 2015, with the restrictions remaining in place, Village Care sold Rivington House to Joel Landau and the Allure Group for $28 million dollars.[55]

Removal of deed restrictions

In the spring of 2015, Landau, who initially requested only a partial deed restriction modification that would allow Allure to manage the location as a for-profit health care facility, changed his request to include lifting the restriction in its entirety.[56] However, Landau disputed DCAS's appraisal, which set the fee to remove restrictions at $16.15 million. Landau told staff he "would contact [1199] and reply to them that the City is charging a fee based on market value and they, as developers, could not afford to pay the cost of the restriction removal and retain the property as a nursing home," and indicated that Allure would consider paying the restriction removal fee and "converting the property into a luxury apartment building."[57]

Finally, on May 1, 2015, Landau accepted DCAS's appraisal and asked to "proceed with the process to remove the restrictive covenant."[58] DCAS's weekly update to First Deputy Mayor Shorris from May 5, 2015 stated that Landau accepted the $16.15 million fee to remove both deed restrictions and he "seeks to remove the restrictions but intends to use the property as a for-profit nursing home, similar to other nursing homes he operates throughout the City."[59] In July, another report to First Deputy Mayor Shorris recounts DCAS' progress on the Rivington House deed restrictions, that "DCAS is proceeding to remove" both the "restriction limit[ing] the use of the property for not-for-profits" and the restricting limiting "use for residential health care facility."[60] According to the report, DCAS expected "to have a formalized deed modification approved by [Law] in July."[61]

On November 18, 2015, DCAS and the Law Department completed the removal of the entire restriction, permitting Allure to transfer if they so desired, an unrestricted piece of property.[62] DCAS' weekly report to First Deputy Mayor Shorris just a week later stated DCAS and the Law Department completed the deed removal process after "over two years" of work.[63] The same information was sent in DCAS's weekly report to the Mayor's Office of Intergovernmental Affairs and the Mayor's Press Office two days later.[64]

The second sale of Rivington House

Signs of trouble began to emerge as Council Member Margaret Chin, as well as community members, began contacting City Hall and the Mayor's Community Affairs Unit (CAU) regarding worries that Rivington House would turn into luxury housing. CAU subsequently issued several reports beginning December 2, 2015 noting those concerns.[65] First Deputy Mayor Shorris' office appears to have first learned of the deed restrictions through Council Member Chin's office, which sent City Hall a copy of the deed showing that both restrictions were removed.[66] Despite knowing of community unrest and potential for Rivington House to be appropriated for any use, City Hall's first substantive conversation with Landau occurs in late February, nearly two weeks after Rivington House was purchased by Slate Property Group for $116 million.[67]

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[53] Land Use Justification Memorandum, NYC_00014159; Emails, NYC_00011203.
[54] *Id.*
[55] Deed, Feb. 11, 2015.
[56] Emails, NYC_00011908.
[57] N.Y.C. Department of Citywide Administrative Services, NYC_00013839.
[58] Emails, NYC_00011908.
[59] Email and report, NYC_00012940.
[60] Email and report, NYC_00012943.
[61] *Id.*
[62] Emails, NYC_000016536.
[63] Emails and reports, NYC_00012097; NYC_00000412.
[64] *Id.*
[65] Emails, NYC_00005690 and NYC_00005691.
[66] Emails, NYC_00004064.
[67] Emails, NYC_00003663 and NYC_00004081.

Proposed Deed Restriction Modification Rules

On September 27, 2016, DCAS released proposed rules that would create a formal process for the lifting or modification of deed restrictions by DCAS. The proposed rule sought to improve community notification of such actions and would require that the Mayor review any such action before it is approved.[68]

Analysis of Int. No. 1182-A

Section one of Int. No. 1182-A would add a new chapter 8 to title 25 of the Administrative Code concerning deed restrictions. New section 25-801 would set forth the definitions applicable to the new chapter. "Commissioner" would mean the Commissioner of Citywide Administrative Services. "Deed restriction" would mean a covenant set forth in a deed, lease that is for a term of 49 years or longer, or easement that limits the use of property in the City and that was imposed by the City when it was sold or otherwise disposed of. "Department" would means DCAS.

New section 25-802 would set forth the standard used when reviewing a request for modification or removal of a deed restriction. Such requests can only be approved upon a determination that the proposed modification or removal is appropriate and furthers the best interests of the City. In reaching such a determination, the following factors related to the request, at a minimum, must be considered:

(1) the potential effect on the community and the City generally;

(2) whether the property could serve other purposes beneficial to the community or City;

(3) if a facility providing services in the community could be closed or their services reduced, and the ensuing impact; and

(4) the potential impact on, at a minimum, the following: the provision of open spaces; the character of areas of historic and architectural interests; the availability of space for educational, religious, recreational, health, and similar community-based facilities serving community residents; the availability of local retail businesses; the availability of affordable housing in the community; economic development; and investments in infrastructure.

Further, DCAS could not modify or remove any deed restriction without the approval of the Mayor.

New section 25-803 would require any property owner requesting a deed modification or approval to submit an intake package to DCAS, consisting of:

(1) A request form provided by DCAS, including, at a minimum: the property owner's name, the property's address, any proposed development or sale, a description of the property's use, the reason for the request and desired date of effect; and any other federal, State, or local governmental actions necessary to complete the request.

(2) A copy of the current deed or any other document containing the deed restriction;

(3) Verified statement and tax affidavit (VSTA) forms disclosing property owned and any outstanding property taxes, water and sewer charges, assessments, and/or other municipal charges, including interest on any of the aforementioned amounts;

(4) If the owner is a corporation, limited liability company, or partnership: (i) a list identifying any individuals who own 20 percent or more of the corporation, limited liability company, or partnership; and (ii) a certificate of good standing issued by the State or the equivalent of such certificate issued by another state; and

(5) A federal or state tax identification number.

Any changes in the information provided that occur after the intake package is submitted and while the request is pending must be submitted to DCAS. After receiving the intake package and notifying the owner, DCAS must send a copy of the package to the relevant Community Board, Council Member, and Borough President.

New section 25-804 would require DCAS to conduct a review of the request. Their preliminary review consists of a land use analysis and due diligence review, followed by an appraisal. DCAS must perform a land use analysis, including a history of the use of the property, the restriction that is the subject of the request, the land use implications of the restriction, and an analysis of whether such modification or removal furthers the best interests of the city, using the factors set forth in section 25-802. The Department of City Planning ("DCP") must assist DCAS by providing information on the zoning and land use of the property and surrounding area,

[68] N.Y.C. Department of Citywide Administrative Services, Procedure for Modification of Deed Restrictions, Sept. 27, 2016, *available at* http://rules.cityofnewyork.us/content/procedure-modification-deed-restrictions.

including urban design characteristics, public transit access, any existing and planned land use policies and initiatives, and any prior land use actions affecting the property. If DCAS determines that the modification or removal would not further the best interests of the city, no further action may be taken on the request and the owner and the relevant Community Board, Council Member, and Borough President must be notified.

DCAS must also conduct a due diligence review to determine whether there are outstanding obligations owed to the City in connection with the properties identified in the VSTA forms, or by the current owner or any proposed owner. The review will consider, at a minimum:

(1) the intake package;

(2) information requested from other agencies, such as the Departments of Buildings and Finance; and

(3) information obtained through a search of public databases.

As part of its review, DCAS must appraise the market value of the property with and without the deed restriction using two appraisals, at least one of which must be performed by an independent real estate appraiser. The owner is liable for the cost of the independent appraisal, unless they are able to demonstrate to DCAS that the fee would "impose an unreasonable hardship." The appraisals must be performed at within 60 days of DCAS submitting its preliminary recommendation to the committee (discussed in greater detail below) and within 180 days of submitting its final written recommendation to the Mayor.

DCAS must determine the method of calculation of any consideration—the fee the owner would pay in order to have the restriction modified or removed—in consultation with relevant City agencies and experts, including, but not limited to, the Law Department. The method must take into account the market value of the property with and without the deed restriction. Based on this method and the appraisals conducted, DCAS must propose a consideration amount, including its reasoning. An appraisal is not required if:

(1) a new restriction would be imposed in lieu of the current restriction, and DCAS determines that the new restriction is of substantially equivalent value to the current restriction;

(2) the consideration amount is set forth in a legally binding written agreement between the City and the owner executed at the time the restriction was imposed; or

(3) DCAS determines that appraisals are not necessary as an environmental restriction that was imposed on a property by a regulatory agency is removed after a later determination by that agency that the restriction is no longer necessary, or when a deed restriction has become detrimental to the City's interest.

If DCAS determines that an appraisal is not required, they must prepare a written summary of its reasons for reaching such determination.

After completion of the preliminary review and any appraisals, DCAS must consult with other City, State, or federal agencies as appropriate, including HPD, DCP, the Department of Small Business Services, and any agency involved in providing services at the property, to obtain information about the public benefit related to the deed restriction, assess possible alternative uses of the property, and identify potential issues of concern with the proposed modification or removal. Following the consultation, DCAS must prepare a summary of findings based on the land use analysis, the due diligence review, the consultation, and, if applicable, its determination regarding the consideration amount or that an appraisal is not required.

No later than three business days after the summary is completed and at least 60 days before any restriction is modified or removed, DCAS must post notice of the request, along with the summary of findings, online and send such materials to the relevant Community Board, Council Member, and Borough President.

In regard to properties that may also be subject to ULURP, DCAS must establish a process for determining whether a proposed modification or removal is subject to ULURP, in consultation with the Law Department. If DCAS does reach such a determination, they must prepare an ULURP application for such modification or removal. Any request for modification or removal that is subject to ULURP cannot be approved unless such an application for ULURP has been submitted.

DCAS must conduct at least one public hearing on the requested modification or removal in the community district where the property is located at least 45 days but no more than 120 days prior to such removal or modification. Notice of the hearing must be posted online and in the City Record for at least seven consecutive business days, at least 30 days and no more than 40 days before any such hearing. Notice must also be sent to the relevant Community Board, Council Member, and Borough President. Further, DCAS must post online and send to such relevant officials information related to the request, including its summary of findings. Following the hearing, DCAS must post online a summary of public comments received, along with responses to such comments.

If DCAS finds that the requested modification or removal furthers the best interests of the City, it must submit a preliminary recommendation to approve the request to the committee, including any proposed consideration amount and its summary of findings. If the committee approves DCAS's preliminary recommendation, within three business days of its approval, DCAS must update the owner and inform them of any further actions they must take to obtain the requested modification or removal, including, but not be limited to, the owner's agreement to take the steps necessary to obtain the requested modification or removal. If the owner does not respond within 30 calendar days, DCAS must cease any further action with regard to the request. If an owner fails to respond or fails to request more time to respond within 60 days, DCAS must treat such response as a new request.

After DCAS receives the committee's determination, the Department must again determine whether the requested modification or removal furthers the best interests of the City. If its initial determination stands, DCAS must send the Mayor a final written recommendation for approval, including the intake package, any appraisals conducted, the summary of findings, the summary of public comments, any and all agreements with the owner to take the steps necessary to obtain the requested modification or removal.

Section two of Int. No. 1182-A would add a new section 3-119 to the Administrative Code that addresses the responsibilities of the committee and the Mayor. The section would reiterate that DCAS could not modify or remove a restriction without the Mayor's approval, and provide that HPD could not modify or remove a restriction without the approval of the Mayor or the Deputy Mayor for Housing and Economic Development.

The new section establishes the committee, which consists of the First Deputy Mayor, the Deputy Mayor for Housing and Economic Development, the Corporation Counsel, and the Director of the Office of Management and Budget. The committee would review DCAS's preliminary recommendation and assess whether approval would further the City's best interests. The committee must issue a written determination, including approval or modification of the consideration amount or the restriction, and their reasoning. The determination would be posted online and sent to DCAS, the owner, and the relevant Community Board, Council Member, and Borough President.

Following receipt of the DCAS' final written recommendation, the Mayor, or the Mayor's designee, must approve or deny such request after assessing whether the proposed modification or removal furthers the best interests of the City. The determination would be posted online and sent to DCAS, the owner, and the relevant Community Board, Council Member, and Borough President.

New section 3-119 would also require the creation of a database of any City property sold, exchanged, or otherwise disposed of by DCAS with deed restrictions since 1966. The database must have the ability to produce reports by query and be published to the City's open data portal in a non-proprietary format that permits automated processing. The database must include, at a minimum:

(1) The location of the property including the borough, community board district, block and lot number, and any commonly known name;

(2) The name and address of the person or entity to whom the property was disposed;

(3) A description of all restrictions contained in the deed to the property;

(4) A copy of or electronic link to the deed;

(5) Information on requests for the modification or removal a deed restriction made under the new chapter 8 of title 25, added by section one, including, but not limited to, all information required to be posted online by DCAS; and

(6) Any other information deemed relevant by the City.

The bill provisions regarding modifications and removals of deed restrictions would take effect immediately. The property database would need to be in place within a year, with information on properties dating back to 2006. For each proceeding decade, DCAS would have one year to include such information.

Update

On December 5, 2016, the Committee passed Int. No. 1182-A by a vote of six in the affirmative and zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int No. 1182-A:)

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

PROPOSED INTRO. NO. 1182-A

COMMITTEE: Governmental Operations

TITLE: To amend the administrative code of the city of New York, in relation to modification and removal of certain deed restrictions

SPONSORS: Council Members Chin, Mendez, Levine, Lander, Kallos, Gentile, Rosenthal, Vallone, Menchaca and Borelli (by request of the Manhattan Borough President)

SUMMARY OF LEGISLATION: First, Proposed Intro. No. 1182-Awould set forth a process for the removal or modification of deed restrictions by the Department for Citywide Administrative Services (DCAS). DCAS would be required to conduct an extensive review of a request, including a public hearing, to determine whether the requested removal or modification furthers the best interests of the City.

If DCAS finds that the modification or removal furthers the City's best interests, a committee of representatives from other City agencies and the Mayor's Office would separately assess the request, including DCAS's preliminary recommendation and any public comments submitted to the agency. The Mayor would then review DCAS and the committee's recommendations and approve or deny the request.

Additionally, the bill would require the City to maintain and update on the City's website a searchable electronic database of real property of the City sold, exchanged, or otherwise disposed of by DCAS since 1966 if the deed to such property contains a deed restriction imposed by or on behalf of the City. The database must be able to produce reports on such properties.

EFFECTIVE DATE: This local law takes effect immediately, except for the section related to the creation of the database, which takes effect one year after it becomes law; provided, however, that DCAS and the mayor or agency or officer designated by the mayor as set forth in section two of this local law may take all actions necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective FY18	Full Fiscal Impact FY19
Revenues (+)	$0	$0	$0
Expenditures (-)	$150,000	$208,000	$117,000
Net	$150,000	$208,000	$117,000

IMPACT ON REVENUES: This legislation is not expected to impact revenue.

IMPACT ON EXPENDITURES: This legislation is expected to impact expenditures. Developing and launching a public database is estimated to cost $300,000 with $150,000 in Fiscal 2017 and $150,000 in Fiscal 2018. It is also anticipated that the administering agency would require one additional employee to maintain the database. We estimate total annual personal service costs of approximately $117,000 beginning in the middle of Fiscal 2108.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: New York City's General Fund

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

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1182 on May 25, 2016 and referred to the Committee on Governmental Operations. A hearing was held by the Committee on September 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1182-A, will be considered by the Committee on December 5, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 1182-A will be submitted to the full Council for a vote on December 6, 2016.

DATE PREPARED: December 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1182-A:)

Int. No. 1182-A

By Council Members Chin, Mendez, Levine, Lander, Kallos, Gentile, Rosenthal, Vallone, Menchaca, Crowley, Levin, Barron and Borelli (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to modification and removal of certain deed restrictions

Be it enacted by the Council as follows:

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

CHAPTER 8
DEED RESTRICTIONS

§ 25-801 Definitions. *For the purposes of this chapter, the following terms have the following meanings:*

Commissioner. The term "commissioner" means the commissioner of citywide administrative services.

Deed restriction. The term "deed restriction" means a covenant set forth in a deed, lease that is for a term of 49 years or longer, or easement that limits the use of property located in the city and is imposed by the city when such property is sold or otherwise disposed of by the city.

Department. The term "department" means the department of citywide administrative services.

§ 25-802 Standard. a. *A request for modification or removal of a deed restriction submitted to the department shall be reviewed in accordance with the procedures set forth in this chapter. Such request shall only be approved upon a determination that the proposed modification or removal is appropriate and furthers the best interests of the city. In reaching such a determination, the following factors, at a minimum, shall be considered:*

i. the potential effect of a requested removal or modification of a deed restriction on the community in which the property is located and the city generally;

ii. whether modifying or removing such deed restriction could allow the property to serve alternate purposes beneficial to the community or city as a whole;

iii. if such modification or removal could result in the closing of a facility providing services in the community or a reduction in such services and the impact of any such closure or reduction; and

iv. the potential impact of such modification or removal on, at a minimum, the following: the provision of open spaces; the character of certain designated areas of historic and architectural interests; the availability of space for educational, religious, recreational, health, and similar community-based facilities that serve community residents; the availability of local retail businesses; the availability of affordable housing in the community; economic development; and investments in infrastructure.

b. Changes. *The department shall not modify or remove any deed restriction without the approval of the mayor, or the mayor's designee, pursuant to section 3-119.*

§ 25-803 Process. a. Intake package. *A property owner requesting that the department modify or remove a deed restriction must submit to the department an intake package consisting of:*

1. A request form provided by the department, which must include:

i. the property owner's name;

ii. the address and any commonly known name of the property;

iii. the reason for the request;

iv. a description of any proposed development or sale of the property to a third party;

v. a description of the use of the property since the property owner's purchase;

vi. the date by which the property owner seeks to have the requested modification or removal take effect;

vii. any other federal, state, or local governmental actions taken, pending, or necessary for such modification or removal; and

viii. any other information required by the commissioner.

2. A copy of the current deed of ownership and any other document containing the deed restriction;

3. Verified statement and tax affidavit (VSTA) forms, provided by the department, disclosing real property owned and any outstanding real property taxes, water and sewer charges, assessments, and/or other municipal charges, including interest on any of the aforementioned amounts;

4. If the property owner is a corporation, limited liability company, or partnership:

i. a list identifying the names of any individuals whose share of ownership in the corporation, limited liability company, or partnership is 20 percent or more; and

ii. a certificate of good standing issued by the state or the equivalent of such certificate issued by another state; and

5. A federal or state tax identification number.

b. *The property owner shall promptly report to the department any changes in the information provided in the intake package that occur after the intake package is submitted and while the request is pending.*

§ 25-804 Review of requests. a. Preliminary review. *Following the submission of an intake package pursuant to subdivision a of section 25-803, the department shall conduct a preliminary review of a request that the department modify or remove a deed restriction.*

1. Upon receipt of the intake package required pursuant to subdivision a of section 25-803, the department shall notify the property owner in writing that the request for modification or removal is under review.

2. At the time the property owner is notified in writing that the request for modification or removal is under review pursuant to paragraph 1 of this subdivision, the department shall send notice of such review, along with the intake package for such request submitted pursuant to subdivision a of section 25-803, by mail and electronic mail to the community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located.

3. The department shall perform a land use analysis, which shall include a description of the history of the use of the property, the deed restriction that is the subject of the request, the land use implications of such deed restriction, and an analysis of whether such modification or removal furthers the best interests of the city pursuant to the factors set forth in subdivision a of section 25-802. The department of city planning shall assist the department in such analysis by providing information concerning the zoning and land use of the property and surrounding area, including urban design characteristics, public transit access, any existing and planned land use policies and initiatives, and any prior land use actions affecting the property. Notwithstanding any provision of this chapter to the contrary, if the department determines that such modification or removal does not further the best interests of the city, the department shall take no further action on such request and shall inform the property owner, community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located of such determination.

4. The department shall conduct a due diligence review to determine whether there are outstanding obligations owed to the city in connection with the properties identified in the VSTA forms, or by the current property owner or any proposed property owner, which shall include but not be limited to review of the following information related to such properties, current property owner, or any proposed property owner:

i. the intake package;

ii. information requested from other city agencies, including, but not limited to, the department of buildings and the department of finance; and

iii. information obtained through a search of public databases.

b. Appraisal. *1. The department shall appraise the market value of the property with and without the deed restriction based on two appraisals, at least one of which must be performed by an independent real estate appraiser licensed in the state who is not an employee of the department. The appraisals shall be performed within 60 days prior to the date the department submits its preliminary recommendation to the committee established pursuant to section 3-119 and within 180 days prior to the date the department submits its final written recommendation to the mayor pursuant to section 3-119.*

2. The property owner shall pay an appraisal fee equivalent to the cost of the independent appraisal. The department may waive or modify such fee if it determines, based on a showing made by the property owner, that the payment of such fee would impose an unreasonable hardship on the property owner.

3. The method of calculation of any consideration to be proposed in connection with the modification or removal of the deed restriction shall be determined by the department in consultation with relevant city agencies and experts, including, but not limited to, the law department. Such method shall take into account the market value of the property with and without the deed restriction.

4. Based on the appraisals and in accordance with the calculation method determined pursuant to paragraph 3 of this subdivision, the department shall propose a consideration amount, if any, that would be required for the modification or removal of the deed restriction, and shall include the department's reasoning for proposing such consideration amount.

5. Notwithstanding paragraph 1 of this subdivision, appraisals shall not be required if:

i. a deed restriction would be imposed in lieu of the deed restriction that is the subject of the request for removal or modification, and the department determines that the deed restriction to be imposed is of substantially equivalent value to the deed restriction to be removed or modified;

ii. the consideration amount for the modification or removal of the deed

restriction is set forth in a legally binding written agreement between the city and the property owner executed at the time the deed restriction was imposed; or

iii. the department determines that appraisals are not necessary as an environmental restriction that was imposed on a property by a regulatory agency is removed upon a subsequent determination by such agency

that such restriction is no longer necessary, or when a deed restriction has become detrimental to the city's interest.

6. If the department determines that an appraisal is not required pursuant to paragraph 5 of this subdivision, the department shall prepare a written summary of its reasons for reaching such determination.

c. Consultation and notice. *1. Following the preliminary review and performance of any appraisals, the department shall consult with other city, state, or federal agencies as appropriate, including, but not limited to, the department of housing preservation and development, the department of city planning, the department of small business services, and any agency involved in providing services at the property, to obtain information about the public benefit related to the deed restriction, assess possible alternative uses of the property, and identify potential issues of concern with the proposed modification or removal.*

2. Following such consultation, the department shall prepare a summary of findings based on the land use analysis, due diligence review, consultation conducted pursuant to this section, and, if applicable, its determination pursuant to paragraph 4 or 6 of subdivision b of this section.

3. No later than three business days after such summary is completed and at least 60 days prior to any modification or removal of such deed restriction, the department shall post online and send notice of the proposed modification or removal as set forth in this paragraph. Such notice shall identify the property by its address and any commonly known name and include the summary prepared pursuant to paragraph 2 of this subdivision and shall be sent by mail and electronic mail to the community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located. Such notice shall be titled in large bold letters "Notice of Removal or Modification of Deed Restriction on Real Property."

d. Uniform land use review procedure. *1. The department, in consultation with the law department, shall establish a process for determining whether a proposed modification or removal is subject to the uniform land use review procedure set forth in section 197-c of the charter.*

2. If, pursuant to such process, the department determines that a proposed modification or removal is subject to the uniform land use review procedure set forth in section 197-c of the charter, the department shall prepare an application for such modification or removal to be reviewed pursuant to such procedure. Any request for modification or removal that is subject to the uniform land use review procedure shall not be approved unless the application for such modification or removal submitted in accordance with section 197-c of the charter is approved pursuant to chapter 8 of the charter.

e. Public hearing. *1. The department shall conduct at least one public hearing on such requested modification or removal pursuant to the procedures set forth in this subdivision. A public hearing shall occur at least 45 days but no more than 120 days prior to such removal or modification.*

2. The department shall publish a public notice of any hearing online and in the city record for at least seven consecutive business days commencing at least 30 days and no more than 40 days before any such hearing.

3. The department shall send notice of any hearing by mail and electronic mail to the community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located.

4. Any public hearing shall be held in the community district in which the property is located.

5. A public file containing copies of the calendar document and other public documents, including the summary prepared pursuant to paragraph 2 of subdivision c of this section, shall be posted online and sent to the community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located no later than 20 days before any hearing.

6. The department shall prepare and post online a summary of public comments received at any such hearing, along with responses to such comments, on the request for modification or removal of the deed restriction.

f. Committee review. *1. If, based on the information obtained pursuant to this section, the department finds that the requested modification or removal of a deed restriction is appropriate and furthers the best interests of the city, the department shall submit a preliminary recommendation to approve the request to the committee established pursuant to section 3-119. Such preliminary recommendation shall include any proposed consideration amount and shall be accompanied by the materials required pursuant to pursuant to section 3-119.*

2. If the committee approves the department's preliminary recommendation, within three business days of such approval, the department shall issue a letter to the property owner setting forth such recommendation; any required consideration, as approved or modified by the committee; and any further actions the property owner must take to obtain the requested modification or removal of the deed restriction, which shall include, but not be limited to, the property owner's agreement in writing to take the steps necessary to obtain the requested modification or removal. If the property owner does not respond to such letter within 30 calendar days after the receipt of such letter, the department shall cease any further action with regard to the requested modification or removal until a response is received; provided, however, if a property owner fails to respond or fails to request more time to respond within 60 days following receipt of such letter, the department shall treat such response as a new request.

§ 25-805 Mayoral approval. *Following the receipt of the committee's determination pursuant to section 3-119 and any approval required pursuant to chapter 8 of the charter, the department shall determine whether the requested modification or removal of a deed restriction is appropriate and furthers the best interests of the city. If the department determines that such modification or removal is appropriate and furthers the best interests of the city, it shall submit to the mayor a final written recommendation for approval of such request. Such written recommendation shall include the intake package submitted pursuant to subdivision a of section 25-803, any appraisals conducted pursuant to subdivision b of section 25-804, the summary prepared pursuant to paragraph 2 of subdivision c of section 25-804, the summary of public comments prepared pursuant to paragraph 6 of subdivision e of section 25-804, any and all agreements with the property owner pursuant to paragraph 2 of subdivision f of section 25-804, and any other documents or information the department deems relevant.*

§ 2. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119 to read as follows:

§ 3-119 Modification or removal of deed restrictions. a. Definitions*. For the purposes of this section, the term "deed restriction" means a covenant set forth in a deed, lease that is for a term of 49 years or longer, or easement that limits the use of property located within the city and is imposed by the city when such property is sold or otherwise disposed of by the city.*

b. Approval. *1. The department of citywide administrative services shall not modify or remove any deed restriction without the approval of the mayor pursuant to this section.*

2. The department of housing preservation and development shall not modify or remove any deed restriction without the approval of the mayor or the deputy mayor for housing and economic development or the official occupying any successor position, or his or her designee.

c. Committee. *1. There shall be a committee to review preliminary recommendations by the department of citywide administrative services to modify or remove deed restrictions. The committee shall consist of four members, who shall be:*

i. the first deputy mayor or the official occupying any successor position, or their designee;

ii. the deputy mayor for housing and economic development or the official occupying any successor position, or their designee;

iii. the corporation counsel, or their designee; and

iv. the director of the office of management and budget, or their designee.

2. Such committee shall review the preliminary recommendation and accompanying materials submitted by the department of citywide administrative services and determine whether to approve such recommendation. In reaching such determination, the committee shall consider whether approval furthers the best interests of the city, pursuant to the factors set forth in subdivision a of section 25-802.

3. (a) The committee shall issue a written determination of its approval or denial of the department of citywide administrative services' preliminary recommendation, including the committee's determination to approve or modify the consideration amount required, if any, for the modification or removal of the deed restriction, as proposed by the department, and the reasons for reaching such determinations. Any modification of the consideration amount by the committee shall be based on the appraisals provided by the department and in accordance with the calculation method developed by the department pursuant to subdivision b of section 25-804.

(b) Within three business days of reaching such a determination, the committee shall post online and send notice of such determination by mail and electronic mail to the department of citywide administrative services, community board for the community district in which the property is located, council member representing the

council district in which the property is located, and borough president representing the borough in which the property is located.

(c) The committee may modify its determination in the event that updated appraisals are provided to the committee after the department submits its preliminary recommendation.

d. Mayoral approval. *1. Following the receipt of the department of citywide administrative services' final written recommendation for approval of a request to modify or remove a deed restriction submitted pursuant to section 25-805, the mayor, or the mayor's designee, shall approve or deny such request. Such request shall only be approved upon a determination by the mayor that the proposed modification or removal is appropriate and furthers the best interests of the city.*

2. Within three business days of reaching a determination of approval or denial of such request, the mayor shall post notice of such determination online and send notice of such determination by mail and electronic mail to the department of citywide administrative services, community board for the community district in which the property is located, council member representing the council district in which the property is located, and borough president representing the borough in which the property is located.

e. Database of properties. *1. The mayor or an agency or officer designated by the mayor shall maintain a searchable electronic database of all real property upon which a deed restriction was imposed on or after 1966 by the department of citywide administrative services and all requests for modification or removal of such deed restrictions made pursuant to the procedures set forth in chapter 8 of title 25. Data shall be added to such database as set forth in paragraph 2 of this subdivision and updates to such data shall be made not less than 30 days following any change to such data. Such database shall be posted on the city's website, shall have the ability to produce reports by query, and shall be published to the city's open data portal in a non-proprietary format that permits automated processing and shall include, but not be limited to, the following information:*

i. The location of the property including the borough, community board district, block and lot number, and any commonly known name;

ii. The name and address of the person or entity to whom the property was disposed;

iii. A description of all restrictions contained in the deed to the property;

iv. A copy of or electronic link to the deed, lease that is for a term of 49 years or longer, or easement containing such restriction;

v. Information on requests for the modification or removal of a deed restriction made pursuant to the procedures set forth in chapter 8 of title 25, including, but not limited to, all information required to be posted online by the department for citywide administrative services pursuant to such section; and

vi. Any other information deemed relevant by the mayor or the agency or officer designated by the mayor to maintain such database.

2. Such database shall contain all real property upon which a deed restriction was imposed by the department of citywide administrative services on or after January 1, 2006. No later than one year following the effective date of this local law, such database shall contain all real property upon which a deed restriction was imposed by the department of citywide administrative services on or after January 1, 1996. No later than two years following the effective date of this local law, such database shall contain all real property upon which a deed restriction was imposed by the department of citywide administrative services on or after January 1, 1986. No later than three years following the effective date of this local law, such database shall contain all real property upon which a deed restriction was imposed by the department of citywide administrative services on or after January 1, 1976. No later than four years following the effective date of this local law, such database shall contain all real property upon which a deed restriction was imposed by the department of citywide administrative services on or after January 1, 1966.

§ 3. This local law takes effect immediately, except that subdivision e of section 3-119 of the administrative code of the city of New York, as added by section two of this local law, takes effect one year after it becomes law; provided, however, that the department of citywide administrative services and the mayor or agency or officer designated by the mayor as set forth in section two of this local law may take all actions necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

BEN KALLOS, *Chairperson*; MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, December 5, 2016. *Other Council Members Attending: Chin.*

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

Report of the Committee on Land Use

Report for LU No. 506

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 160308 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 9 (Special Hudson River Park District) to establish the Special Hudson River Park District within Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3597), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **N 160308 ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 9 (Special Hudson River Park District) to establish the Special Hudson River Park District.

INTENT

The zoning text amendment, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against:	**Abstain:**
Williams	None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
Williams	Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No. 507

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160309 ZMM submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a, changing M1-5, M2-4 Districts to a C6-4, C6-3 and M1-5 Districts, and establishing a Special Hudson River Park District on property to the West of Washington Street between Spring Street and Clarkson Street, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3597), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **C 160309 ZMM**

City Planning Commission decision approving an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a:

1. changing from an M1-5 District to a C6-4 District property bounded by Clarkson Street, Washington Street, West Houston Street, and West Street;

2. changing from an M2-4 District to a C6-3 District property bounded by West Houston Street, Washington Street, a line 596 feet northerly of Spring Street, and West Street;

3. changing from an M2-4 District to an M1-5 District property bounded by a line 596 feet northerly of Spring Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and

4. establishing a Special Hudson River Park District (HRP) bounded by:

   a. Clarkson Street, Washington Street, a line 415 feet northerly of Spring Street, and West Street; and

   b. a line 57 feet northerly of the westerly prolongation of the northerly street line of Leroy Street, the U.S. Pierhead Line, a line 1118 feet southerly of the westerly prolongation of the northerly street line of Leroy Street, and the U.S. Bulkhead Line.

INTENT

This zoning map amendment, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against: **Abstain:**
Williams None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
Williams	Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No. 508

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160310 ZSM submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow to allow for a floor area transfer of 200,000 square feet, and modify height and setback requirements, height factor requirements, and rear yard requirement, on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3597), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **C 160310 ZSM**

City Planning Commission decision approving an application submitted by SJC 33 Owner 2015 LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 89-21 of the Zoning Resolution to allow the distribution of 200,000 square feet of floor area from a granting site (A1, Block 656, Lot 1) to a receiving site (A2, Block 596, Lot 1), and to modify the height and setback requirements of Sections 23-60 (Height and Setback Regulations) and Section 43-40 (Height and Setback Regulations), the height factor requirements of 23-151 (Basic regulations for R6 through R9 Districts) and the rear yard requirements of Section 43-20 (Rear Yard Regulations), in connection with a proposed mixed use development, on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

INTENT

The grant of the special permit, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against: **Abstain:**
Williams None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
Williams Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN,

DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No.509

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160311 ZSM submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 236 spaces on portions of the ground floor and cellar of a proposed mixed use development, on property located at 550 Washington Street (Block 596, Lot 1), Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3597), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **C 160311 ZSM**

City Planning Commission decision approving an application submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 236 spaces on portions of the ground floor and cellar of a proposed mixed use development (North Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

INTENT

The grant of the special permit, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against:	**Abstain:**
Williams	None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
Williams	Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No. 510

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160312 ZSM submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar of a proposed mixed use development (Center Site), on property located at 550 Washington Street (Block 596, Lot 1), Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3598), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **C 160312 ZSM**

City Planning Commission decision approving an application submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 372 spaces on portions of the ground floor and cellar of a proposed mixed use development (Center Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

INTENT

The grant of the special permit, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against: **Abstain:**
Williams None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
Williams	Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No. 511

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 160313 ZSM submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2016 (Minutes, page 3598), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 2 **C 160313 ZSM**

City Planning Commission decision approving an application submitted by SJC 33 Owner 2015 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 164 spaces on portions of the ground floor and cellar of a proposed mixed use development (South Site), on property located at 550 Washington Street (Block 596, Lot 1), in C6-3, C6-4 and M1-5 Districts, within the Special Hudson River Park District.

INTENT

The grant of the special permit, along with the other related actions, would facilitate the redevelopment of 550 Washington Street with a mix of uses over five buildings and open areas, including a designated public

access area, in Manhattan Community District 2. The development would include 1,711,000 total square feet with 1,289,000 square feet of residential floor area, of which 328,700 square feet would be permanently affordable; 200,000 square feet of retail and event space; and 222,000 square feet of office or hotel use; three separate accessory parking facilities below grade with a total of 772 spaces; and additionally, would enable a transfer of floor area to support the repair and rehabilitation of Pier 40 in the Hudson River Park.

PUBLIC HEARING

DATE: November 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 5, 2016

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

In Favor:
Richards, Gentile, Garodnick, Wills, Reynoso, Torres.

Against: **Abstain:**
Williams None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Wills, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
Williams Barron

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, RUBEN WILLS, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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 LU No. 525

Report of the Committee on Land Use in favor of approving Application No. 20175118 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article V and Article XI of the Private Housing Finance Law for approval of an amendment to a previously approved plan and project, the leasing of the property from the current owner to the lessee, and a real property tax exemption for property located at Block 2724, Lot 103 and part of Lot 5, Borough of the Bronx, Community Board 2, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3789) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX - CB 2 **20175118 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for an amendment of a previously approved plan and project pursuant to Section 115 of the Private Housing Finance Law and approval of a lease for a portion of the referenced property and approval of a new real property tax exemption pursuant to Section 577 of the PHFL for property located at Block 2724, part of Lot 5 (Tentative Lot 220) and the entirety of Lot 103 ("New Project Area"), Borough of the Bronx, Community Board 2, Council District 17.

INTENT

To approve an amendment to the original plan and project, leasing of the new project area from the current owner to Lessee, and Article XI real property tax exemption for the new project.

PUBLIC HEARING

DATE: November 21, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

The Subcommittee recommends that the Land Use Committee approve the request of the Department of Housing Preservation and Development.

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1326

Resolution to approve an amendment to a previously approved plan and project, leasing of a portion of the referenced property and approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at Block 2724, part of Lot 5 (Tentative Lot 220) and the entirety of Block 2724, Lot 103), Borough of Manhattan (L.U. No. 525; 20175118 HAX).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 9, 2016 its request dated October 31, 2016 that the Council take the following actions (i) amendment to a previously approved plan and project, (ii) the leasing of a portion of the referenced property, and (iii) a new real property tax exemption for property located at Block 2724, part of Lot 5 (Tentative Lot 220) and the entirety of Block 2724, Lot 103, (the "New Project Area"), Community District 2, Borough of the Bronx and the termination of the prior tax exemption;

WHEREAS, HPD's request is related to previously approved City Council Resolution No. 1389, L.U. No. 628, of June 13, 2012 (the "Prior Resolution");

WHEREAS, HPD submitted to the Council on November 4, 2016 its revised request dated October 31, 2016 relating to the Project (the "HPD Request");

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 21, 2016; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Exemption Area, as defined below;

RESOLVED:

The Council approves, pursuant to Section 114 of the Private Housing Finance Law, the leasing the New Project Area from Current Owner to Lessee;

The Council approves, pursuant to Section 115 of the Private Housing Finance Law, an amendment to the plan and project for Maria Estela Houses I approved by the Board of Estimate by resolution adopted on March 6, 1980 (Cal. No. 18) (the "Plan and Project") that deletes the New Project Area from the areas described therein as follows:

1. The Plan and Project is modified by deleting from the areas described the Plan and Project a portion of Block 2724, Lot 5 ("Parcel A") and the entirety of Block 2724, Lot 103 ("Parcel B"), as shown in the attached Schedule A and Schedule B. All references in the Plan and Project to Block 2724, Lot 5 and Block 2724, Lot 103 are modified to exclude the premises described on Schedule A and Schedule B.

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

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

(a) "Effective Date" shall mean the later of (i) the date of leasehold conveyance of the Exemption Area to the Lessee, and (ii) the date that HPD and Lessee enter into the Regulatory Agreement in their respective sole discretion.

(b) "Exemption" shall mean the exemption from real property taxation authorized pursuant to Section 577 of Article XI of the PHFL.

(c) "Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of the Bronx, City and State of New York, identified as Block 2724, part of Lot 5 (Tentative Lot 220) and the entirety of Block 2724, Lot 103.

(d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(e) "Fee Owner" shall mean PRC Westchester Avenue LLC.

(f) "HDFC" shall mean Fox-Simpson Housing Development Fund Corporation.

(g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(h) "LLC" shall mean PRC Fox Street LLC or an affiliate.

(i) "Lease" shall mean the lease between Fee Owner, as landlord, and Lessee, as tenant, conveying a leasehold interest in the Exemption Area to Lessee.

(j) "Lessee" shall mean, collectively, the HDFC and the LLC.

(k) "New Project" shall mean the construction and operation of two multiple dwellings containing approximately 199 rental units plus one superintendent's unit on the Exemption Area.

(l) "PHFL" shall mean the Private Housing Finance Law.

(m) "Plan and Project" shall mean that certain Plan and Project approved by the Board of Estimate by resolution adopted on July 17, 1980 (Cal. No. 350), which resolution amended the resolution adopted on March 6, 1980 (Cal. No. 18).

(n) "Prior Exemption" shall mean the exemption from real property taxation approved by Resolution No. 1389 enacted June 13, 2012.

(o) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Lessee establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. The Prior Exemption shall be terminated with respect to the Exemption Area, which termination shall become effective on the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) 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. If the Lease is not executed by the Effective Date, then all of the approvals and consents set forth herein shall be null and void and the obligation of Fee Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been modified, terminated or interrupted.

5. (a) Notwithstanding any provision hereof to the contrary, 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 PHFL, (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) the leasehold interest in the Exemption Area is conveyed to a new lessee without the prior written consent of HPD, (v) the demolition or construction of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD, or (vi) the Lease has terminated or expired and a new lease approved by HPD has not been signed. HPD shall deliver written notice of any such determination to the Lessee and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

(b) Nothing herein shall entitle the Lessee or Fee Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

(c) The Exemption shall not apply to any building constructed on the Exemption Area which does not have a permanent or temporary certificate of occupancy by December 31, 2021, as such date may be extended in writing by HPD.

6. In consideration of the Exemption, (i) Lessee shall execute and record the Regulatory Agreement, and (ii) Lessee and Fee Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 530

Report of the Committee on Land Use in favor of approving Application No. C 170031 ZMQ submitted by Idlelots LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C2-2 District bounded by 227th Street, a line 100 feet northeasterly of 145th Road, a line 120 feet southeasterly of 227th Street and 145th Road, Borough of Queens, Community Board 13, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3957) and which same Land Use item was coupled with the resolution shown below, respectfully

SUBJECT

QUEENS - CB 13 **C 170031 ZMQ**

City Planning Commission decision approving an application submitted by Idlelots LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C2-2 District bounded by 227th Street, a line 100 feet northeasterly of 145th Road, a line 120 feet southeasterly of 227th Street and 145th Road.

INTENT

To amend the Zoning Map, Section No. 19b, to facilitate construction of a public parking lot with approximately 27 spaces in the Brookville neighborhood of Queens.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Richards, Gentile, Williams, Wills, Reynoso,

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Richards offered the following resolution:

Res No. 1327

Resolution approving the decision of the City Planning Commission on ULURP No. C 170031 ZMQ, a Zoning Map amendment (L.U. No. 530).

By Council Members Greenfield and Richards.

WHEREAS, the City Planning Commission filed with the Council on November 18, 2016 its decision dated November 16, 2016 (the "Decision"), on the application submitted by Idlelots LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16a, to facilitate a public parking lot with approximately 27 spaces in the Brookville neighborhood of Queens, (ULURP No. C 170031 ZMQ), Community District 13, Borough of Queens (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 1, 2016;

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 and analysis (CEQR No. 17DCP023Q), including the negative declaration issued August 22, 2016 (the "Negative Declaration");

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170031 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 19b, by establishing within an existing R3-1 district a C2-2 district bounded by 227th Street, a line 100 feet northeasterly of 145th Road, a line 120 feet southeasterly of 227th Street and 145th Road, as shown on a diagram (for illustrative purposes only) dated August 22, 2016, Community District 13, Borough of Queens.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 533

Report of the Committee on Land Use in favor of approving Application No. 20165186 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 646-Seat Intermediate Public School Facility to be located on the south side of Astoria Boulevard between 111th and 112th Streets (Block 1705, Lots 1, 5, 10 and 61), Borough of Queens, in Community School District No. 24, Community Board 3, Council District 21.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3959) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 3 **20165186 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 646-Seat Intermediate Public School Facility to be located on the south side of Astoria Boulevard between 111th and 112th Streets (Block 1705, Lots 1, 5, 10 and 61), Borough of Queens, in Community School District No. 24.

INTENT

To approve the site plan for an approximately 33,400 square foot lot area to construct an intermediate public school to accommodate students in Community School District 24, in the Elmhurst neighborhood of Queens.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:
Koo, Palma, Mendez, Levin, Rose, Kallos.

Against:	**Abstain:**
None	None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:

Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Koo offered the following resolution:

Res No. 1328

Resolution approving the site plan for a new, approximately 646-Seat Intermediate School Facility to be located at the south side of Astoria Boulevard between 111th and 112th Streets on Block 1705, Lots 1, 5, 10 and 61, in Community District 3, Community School District 24, Borough of Queens (Non-ULURP No. 20165186 SCQ; L.U. No. 533).

By Council Members Greenfield and Koo.

WHEREAS, the New York City School Construction Authority submitted to the Council on November 21, 2016, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 646-Seat Intermediate School Facility to be located at the south side of Astoria Boulevard between 111th and 112th Streets on Block 1705, Lots 1, 5, 10 and 61, Community District No. 3, Borough of Queens, serving students in Community School District No. 24 (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 1, 2016;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 3, 2016, (SEQR Project Number 17-012) (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.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 534

Report of the Committee on Land Use in favor of approving Application No. 20165205 SCK pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 180-Seat Pre-Kindergarten Facility to be located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), Borough of Brooklyn, in Community School District No. 15, Community Board 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3960) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6 **20165205 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 180-Seat Pre-Kindergarten Facility to be located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), Borough of Brooklyn, in Community School District No. 15.

INTENT

To approve the site plan which contains approximately 13,500 square feet to construct a pre-kindergarten school facility to provide additional classroom space.

PUBLIC HEARING

DATE: December 1, 2016

Witnesses in Favor: Two **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:
Koo, Palma, Mendez, Levin, Rose, Kallos.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Koo offered the following resolution.

Res No. 1329

Resolution approving the site plan for a new, approximately 180-Seat Pre-Kindergarten School Facility to be located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), in Community District 6, Community School District 15, Borough of Brooklyn (Non-ULURP No. 20165205 SCK; L.U. No. 534).

By Council Members Greenfield and Koo.

WHEREAS, the New York City School Construction Authority submitted to the Council on November 21, 2016, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 180-Seat Pre-Kindergarten School Facility to located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), Community District No. 6, Borough of Brooklyn, serving students in Community School District No. 15 (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 1, 2016;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 18, 2016, (SEQR Project Number 17-014) (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.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 535

Report of the Committee on Land Use in favor of approving Application No. 20175123 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 91-09 ½ 138th Place (Block 9981, Lot 33), Borough of Queens, Community Boards 9 & 12, Council District 28.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3960) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS - CB 12 **20175123 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development

pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 91-09 ½ 138th Place (Block 9981, Lot 33), in Community Boards 9 & 12, Council District 28, Borough of Queens.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and the General Municipal Law for property which will be restored and sold to low income purchasers earning no more that 80% of the area median income.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution.

Res No. 1330

Resolution approving real property tax exemptions for a project located at 91-09 ½ 138th Place (Block 9981, Lot 33), Community District 12, Borough of Queens (L.U. No. 535; 20175123 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 17, 2016 its request dated November 4, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law for a project (the "Project") located at 91-09 ½ 138th Place (Block 9981, Lot 33), Community District 12, Borough of Queens (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

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

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

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 1, 2016;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

The Council waives the area designation requirement of Section 693 of the General Municipal Law\pursuant to Section 693 of the General Municipal Law;

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

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

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

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

a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.

c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty-five (25) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

PETER A. KOO, Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 536

Report of the Committee on Land Use in favor of approving Application No. 20175124 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), Borough of Queens, Community Boards 12 & 13, Council District 27.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3960) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS - CBs 12 & 13 **20175124 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development

pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), in Community Boards 12 & 13, Council District 27, Borough of Queens.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and the General Municipal Law for properties which will be restored and sold to low income purchasers earning no more that 80% of the area median income.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1331

Resolution approving real property tax exemptions for a project located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), Community Districts 12 and 13, Borough of Queens; (L.U. No. 536; 20175124 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 17, 2016 its request dated November 4, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law for a project (the "Project") located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), Community Districts 12 and 13, Borough of Queens (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

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

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

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 1, 2016;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

The Council waives the area designation requirement of Section 693 of the General Municipal Law\pursuant to Section 693 of the General Municipal Law;

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

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

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

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

a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.

c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty-five (25) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 537

Report of the Committee on Land Use in favor of approving Application No. 20175125 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), Borough of Queens, Community Boards 9 & 12, Council District 28.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3960) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS - CBs 9 & 12 **20175125 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), in Community Boards 9 & 12, Council District 28, Borough of Queens.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and the General Municipal Law for properties which will be restored and sold to low income purchasers earning no more that 80% of the area median income.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution:

Res No. 1332

Resolution approving real property tax exemptions for a project located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), in Community Districts 9 and 12, Borough of Queens; (L.U. No. 537; 20175125 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 15, 2016 its request dated November 10, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law for a project (the "Project") located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), in Community Districts 9 and 12, Borough of Queens (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

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

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

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 1, 2016;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

The Council waives the area designation requirement of Section 693 of the General Municipal Law\pursuant to Section 693 of the General Municipal Law;

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

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

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

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

a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.

c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the

Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty-five (25) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 538

Report of the Committee on Land Use in favor of approving Application No. 20175126 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57), Borough of Queens, Community Board 13, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3961) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS - CB 13 **20175126 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57) in Community Board 13, Council District 31, Borough of Queens.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and the General Municipal Law for properties which will be restored and sold to low income purchasers earning no more that 80% of the area median income.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against: **Abstain:**
None None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution

Res No. 1333

Resolution approving real property tax exemptions for a project located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57), in Community District 13, Borough of Queens; (L.U. No. 538; 20175126 HAQ).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 17, 2016 its request dated November 4, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law for a project (the "Project") located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57), in Community Board 13, Borough of Queens (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

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

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

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 1, 2016;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

The Council waives the area designation requirement of Section 693 of the General Municipal Law\pursuant to Section 693 of the General Municipal Law;

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

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

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

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

a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.

c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty-five (25) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 LU No. 539

Report of the Committee on Land Use in favor of approving Application No. 20175128 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 556

Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), Borough of Brooklyn, Community Boards 9 & 17, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on November 29, 2016 (Minutes, page 3961) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN - CBs 9 & 17 **20175128 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter for property located at 556 Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), in Community Boards 9 & 17, Council District 41, Borough of Brooklyn.

INTENT

To approve a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and the General Municipal Law for properties which will be restored and sold to low income purchasers earning no more that 80% of the area median income.

PUBLIC HEARING

DATE: December 1, 2016

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2016

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

In Favor:
Dickens, Mealy, Rodriguez, Cohen, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: December 5, 2016

The Committee recommends that the Council approve the attached resolution.

In Favor:
Koo, Gentile, Palma, Garodnick, Mealy, Mendez, Rodriguez, Levin, Rose, Williams, Wills, Barron, Kallos, Reynoso, Torres, Treyger.

Against:	**Abstain:**
None	None

In connection herewith, Council Members Greenfield and Dickens offered the following resolution.

Res No. 1334

Resolution approving real property tax exemptions for a project located at 556 Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), in Community Districts 9 and 17, Borough of Brooklyn; (L.U. No. 539; 20175128 HAK).

By Council Members Greenfield and Dickens.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 18, 2016 its request dated November 10, 2016 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law for a project (the "Project") located at 556 Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), in Community Boards 9 and 17, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;

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

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

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

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 1, 2016;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

The Council waives the area designation requirement of Section 693 of the General Municipal Law\pursuant to Section 693 of the General Municipal Law;

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

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

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

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

a. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.

c. The Article XI 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, or (ii) the Exemption Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.

d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Exemption Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Exemption Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Exemption Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed twenty-five (25) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Exemption Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Exemption Area.

PETER A. KOO, Acting Chairperson; VINCENT J. GENTILE, ANNABEL PALMA, DANIEL R. GARODNICK, DARLENE MEALY, ROSIE MENDEZ, YDANIS A. RODRIGUEZ, , STEPHEN T. LEVIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RUBEN WILLS, INEZ D. BARRON, BEN KALLOS, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER; Committee on Land Use, December 5, 2016.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicants

Name	*Address*	*District #*
Mikhail Shimonov	98-40 57th Avenue #7D Corona, N.Y. 11368	21
Joseph Walker	792 Miller Avenue #2 Brooklyn, N.Y. 11207	42

Approved Reapplicants

Name	*Address*	*District #*
Iris N. Echevarria	1018 East 163rd Street #6H Bronx, N.Y. 10459	17
Valerie Woodford	225 Conklin Avenue Brooklyn, N.Y. 11236	42
Emmanuel Brutus	515 Buchanan Avenue Staten Island, N.Y. 10314	49
Melinda Muniz	87 Parkview Loop Staten Island, N.Y. 10314	50

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

(1)	**Int 1099-A -**	Information on Career and Technical Education programs in New York city schools.
(2)	**Int 1182-A -**	Modification and removal of certain deed restrictions.
(3)	**Int 1193-A -**	Information on computer science education in New York city schools.
(4)	**Int 1260-A -**	Transporting inmates in the custody of the department of correction to all criminal court appearances.
(5)	**Int 1261-A -**	Authorizing the waiver of fees in the collection of cash bail.
(6)	**Int 1262-A -**	The use of uniforms by the department of correction for court appearances.
(7)	**L.U. 525 & Res 1326 –**	App. **20175118 HAX** real property tax exemption Bronx, Community Board 2, Council District 17.
(8)	**L.U. 530 & Res 1327 –**	App. **C 170031** Zoning Map, Queens, Community Board 13, Council District 31.
(9)	**L.U. 533 & Res 1328 –**	App. **20165186 SCQ** 646-Seat Intermediate Public School Facility Queens, in Community School District No. 24, Community Board 3, Council District 21.
(10)	**L.U. 534 & Res 1329 –**	App. **20165205 SCK** Pre-Kindergarten Facility, Brooklyn, in Community School District No. 15, Community Board 6, Council District 39
(11)	**L.U. 535 & Res 1330 –**	App. **20175123 HAQ** real property tax exemption, Queens, Community Boards 9 & 12, Council District 28.
(12)	**L.U. 536 & Res 1331 –**	App. **20175124 HAQ** real property tax exemption, Queens, Community Boards 12 & 13, Council District 27.

(13)	**L.U. 537 & Res 1332 -**	App. **20175125 HAQ** real property tax exemption, Queens, Community Boards 9 & 12, Council District 28.
(14)	**L.U. 538 & Res 1333 -**	App. **20175126 HAQ** real property tax exemption, Queens, Community Board 13, Council District 31.
(15)	**L.U. 539 & Res 1334 –**	App. **20175128 HAK** real property tax exemption, Brooklyn, Community Boards 9 & 17, Council District 41.

(16) 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 – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Gentile, Gibson, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Palma, Reynoso, Richards, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 1261-A**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Dromm, Espinal, Eugene, Ferreras-Copeland, Gentile, Gibson, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Palma, Reynoso, Richards, Rose, Rosenthal, Salamanca, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **38**.

Negative – Borelli, Deutsch, Ulrich, and Matteo – **4**.

The following was the vote recorded for **Int No. 1262-A**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Gentile, Gibson, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Mendez, Palma, Reynoso, Richards, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **40**.

Negative – Borelli and Matteo **– 2.**

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 1099-A, 1188-A, 1193-A, 1260-A, 1261-A, and 1262-A.

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res No. 1290

Report of the Committee on Immigration in favor of approving a Resolution calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

The Committee on Immigration, to which the annexed resolution was referred on November 29, 2016, (Minutes, page 3940) respectfully

REPORTS:

I. INTRODUCTION

On December 5, 2016, the Committee on Immigration, chaired by Carlos Menchaca, held a public hearing to discuss Resolution No. 1290, which calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provider temporary immigration relief to eligible Haitian nationals in the United States (U.S.), as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew. Advocates, stakeholders and New Yorkers of Haitian origin testified about the challenges Haiti faces as it begins recovery efforts, as well as humanitarian immigration relief would provide much needed support to Haitians who cannot safely return to Haiti at this time.

On December 5, 2016, the Committee on Immigration voted in favor of Resolution No. 1290 by a vote of four to zero. The Council is set to vote on the resolution at the December 6, 2016 Stated Meeting.

II. BACKGROUND

On October 4, 2016, Haiti was hit by Hurricane Matthew, the strongest storm the nation had experienced in over fifty years[1] and the worst natural disaster to strike the country since the 7.0 magnitude[2] earthquake of 2010.[3]

In the immediate aftermath of the earthquake, Reuters compiled preliminary death toll numbers provided by local Haitian officials and reported that the death-toll had exceeded 1,000 casualties.[4] In addition to the loss of lives, the hurricane caused hundreds of thousands of individuals to be displaced from their homes, schools and places of work. Initial reports confirmed that at least 175,000 individuals were residing in temporary shelters.[5] It was believed that tens of thousands more turned to family and friends for shelter after the storm.

[1] http://www.nytimes.com/2016/10/07/world/americas/hurricane-matthew-haiti.html
[2] http://www.aljazeera.com/news/2016/10/hurricane-matthew-death-toll-soars-haiti-161007032418625.html
[3] http://www.nytimes.com/2016/10/07/world/americas/hurricane-matthew-haiti.html
[4] http://www.telegraph.co.uk/news/2016/10/07/hurricane-matthew-florida-lashed-by-monster-storm/
[5] http://www.migrationpolicy.org/article/united-states-abandons-its-harder-line-haitian-migrants-face-latest-natural-disaster

Hurricane Matthew's sustained, high-speed winds and flooding devastated a large portion of the country's crops and livestock. In Haiti's southern region, up to 80% of crops were destroyed, leaving roughly 20,000 families vulnerable to food shortages.[6]

According to the United Nations (U.N.), at least 1.4 million Haitians are in need of urgent assistance due to short supply of clean water, food, and medicine.[7] Further worrisome is the risk that the ongoing cholera epidemic will grow larger on account of destruction caused by hurricane floods and the potential contamination of water supplies.[8] Since the current epidemic broke out in 2010, it has affected over 800,000 people and taken more than 10,000 lives.[9]

According the Haitian government, the projected cost of recovery and rebuilding efforts near $1 billion.[10] In response to the urgent humanitarian need, the U.S. sent armed forces to Haiti to assist with emergency response and recovery efforts. Specifically, the U.S.S. George Washington, the amphibious transport dock Mesa Verde, as well as Navy and Marine aviation teams were deployed.[11] Included in the air support effort were nine military helicopters run by troops that are specially trained in conducting search and rescue and medical evacuation missions.[12]

In addition to those Haitian-born individuals presently in the U.S. but unable to safely return home, there has been a recent wave of Haitian nationals presenting at the U.S. border. Since October 2015, roughly 5,000 Haitian nationals, most of whom were initially displaced after the 2010 earthquake, have traveled to the U.S. seeking admission and immigration relief on humanitarian grounds in light of the fact that they are displaced and cannot return to Haiti on account of the destruction of Hurricane Matthew.[13] Sarah Saldaña, Director of the U.S. Immigration and Customs Enforcement, expressed to Congress that the wave is unlikely to subside and, to the contrary, many more Haitian nationals are projected to seek immigration relief in this manner.[14]

III. IMMIGRATION AND DEPORTATION RELIEF FOR HAITIANS

a. Temporary Protected Status (TPS)

TPS designation is reserved for situations where immigrants present in the U.S. are unable to return safely to their home country due to ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions that prevent safe return. While the Department of Homeland Security (DHS) is tasked with designating which countries receive TPS, it is the United States Citizenship and Immigration Services (USCIS), an agency within DHS, that is responsible for administering the TPS program and adjudicating each foreign national's application for TPS.

An national of a country with TPS designation is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence and residence in the U.S. since the date specified for that particular country; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits within the time frame specified by USCIS.[15] TPS status does not lead to a green card or citizenship.

While Haiti currently has a TPS designation based on the 2010 earthquake, the protection does not cover those who more recently entered the U.S. and now find themselves unable to safely return home at this time. To that end, countless elected officials and advocates have called upon the Department of Homeland Security to issue a new TPS designation that extends temporary, humanitarian immigration relief to those who are not covered by the existing TPS designation and cannot safely return home on account of the destruction caused by Hurricane Matthew.

b. Temporary Halt on Repatriations

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[6] http://www.nytimes.com/2016/10/07/world/americas/hurricane-matthew-haiti.html
[7] http://www.theatlantic.com/photo/2016/10/a-humanitarian-crisis-in-haiti-after-hurricane-matthew/504548/
[8] http://www.aljazeera.com/news/2016/10/hurricane-matthew-death-toll-soars-haiti-161007032418625.html
[9] http://www.nytimes.com/2016/06/30/world/americas/haiti-cholera-john-kerry-congress.html
[10] http://www.businessinsider.com/haiti-hurricane-matthew-economic-impact-2016-10
[11] https://weather.com/news/news/hurricane-matthew-haiti-deaths
[12] https://weather.com/news/news/hurricane-matthew-haiti-deaths
[13] http://www.migrationpolicy.org/article/united-states-abandons-its-harder-line-haitian-migrants-face-latest-natural-disaster
[14] http://www.migrationpolicy.org/article/united-states-abandons-its-harder-line-haitian-migrants-face-latest-natural-disaster
[15] https://www.uscis.gov/humanitarian/temporary-protected-status#Eligibility%20Requirements

In the event that an individual within the U.S. is without status and is found ineligible for immigration relief, an immigration judge will issue a final order and commence the repatriation process. After the devastating 2010 earthquake, conditions in Haiti were so dire that the DHS instituted a halt on repatriations.[16] While efforts to rebuild after the earthquake are nowhere near complete, and the existence of confirmed reports of remaining safety concerns in Haiti, Secretary of Homeland Security Jeh Johnson announced on September 22, 2016 that repatriations would resume. After Hurricane Matthews, the DHS has once again halted repatriations to Haiti, however, there was no mention of the duration of this halt.

In reference to the several thousand Haitian nationals presenting at the border, the DHS stated that they would not permit individuals to enter the U.S. on parole to pursue immigration relief. Instead, individuals will be subjected to expedited removal processing and civil detention until repatriations to Haiti resume.[17]

IV. HAITIANS IN U.S. AND N.Y.C.

The Migration Policy Institute projects that there are roughly 600,000 Haitian-born individuals in the U.S. as U.S. Citizens, Lawful Permanent Residents, visa holders, TPS recipients or without lawful status.[18]

According to the U.S. Census Survey, as of 2014, there were approximately 128,755 Haitian-born individuals living in the state of New York, making it the second largest Haitian-born population nation-wide. New York City alone is home to roughly 90,000 Haitian born individuals.[19]

V. RESOLUTION NO. 1290

Resolution No. 1290 (the Resolution) calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

The Resolution describes that on October 4, 2016, Haiti was hit by Hurricane Matthew, the strongest storm to hit Haiti in fifty years and worst natural disaster to strike the country since the devastating 7.0 magnitude earthquake of 2010.

The Resolution further describes that Hurricane Matthew was reported to have delivered sustained winds of 145 miles per hour, shed up to 25 inches of rainfall and brought over ten feet in storm surge.

The Resolution acknowledges that Reuters compiled preliminary death tolls provided by local Haitian officials and reported that there were over 1,000 hurricane-related deaths.

The Resolution describes that the number of displaced individuals on account of structural damage is in the hundreds of thousands and that there are confirmed reports that at least 175,000 individuals currently reside in temporary shelters.

The Resolution further describes that, in addition to structural damage, a significant portion of the county's crops and livestock were damaged by the winds and flooding brought on by Hurricane Matthew.

The Resolution indicates that Haiti's southern region was especially hard-hit, including the country's largest banana growing region where up to 80% of the crops that feed roughly 20,000 families were destroyed.

The Resolution recognizes that the United Nations estimates that at least 1.4 million Haitians are in need of urgent assistance due to the short supply of clean water, food, and medicine.

The Resolution further recognizes that the United Nations and Pan American Health Organization fear that the ongoing cholera epidemic, which has sickened more than 800,000 people and claimed more than 10,000 lives since 2010, will worsen because many treatment centers were destroyed by Hurricane Matthew and hurricane-related flooding may have contaminated water supplies.

The Resolution states that Haiti's government estimates the damage caused by Hurricane Matthew to be at least $1 billion.

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[16] http://www.migrationpolicy.org/article/united-states-abandons-its-harder-line-haitian-migrants-face-latest-natural-disaster
[17] http://www.migrationpolicy.org/article/united-states-abandons-its-harder-line-haitian-migrants-face-latest-natural-disaster
[18] http://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county?width=1000&height=850&iframe=true
[19] http://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county?width=1000&height=850&iframe=true

The Resolution describes that the U.S. responded to the Haitian government's request for assistance by deploying the U.S.S. George Washington, as well as the amphibious transport dock Mesa Verde, and the hospital ship Comfort, all of which are supported by Navy and Marine aviation teams.

The Resolution further describes that nine U.S. military helicopters were deployed to Haiti, some of which were equipped to conduct search-and-rescue and medical evacuation missions, as well as transport supplies.

The Resolution acknowledges that, according to the Migration Policy Institute (MPI), there are roughly 600,000 Haitian-born individuals of varying immigration status residing in the U.S. as U.S. Citizens, Lawful Permanent Resident, and Temporary Protected Status, as well as undocumented status.

The Resolution further acknowledges that the MPI reports that the state of New York has the second largest Haitian-born population nation-wide.

The Resolution informs that the U.S. Census American Community Survey found that, in 2014, there were approximately 128,755 Haitian-born individuals residing in the state of New York, 90,000 of whom call New York City their home.

The Resolution explains that the Secretary of the Department of Homeland Security (DHS) has the authority to designate a country for Temporary Protected Status (TPS) in the event its nationals who are present in the U.S. are unable to safely return to their home country due to an ongoing-armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return.

The Resolution further explains that during the temporary designation period, eligible nationals may individually apply for TPS in order to remain in the U.S., may not be detained by the Department of Homeland Security (DHS) based solely on immigration status and may obtain employment and travel authorization.

The Resolution acknowledges that an individual is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence in the U.S. since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner.

The Resolution recognizes that a country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension.

However, the Resolution also recognizes that once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS.

The Resolution describes that on January 21, 2010, the DHS designated Haiti for TPS in the aftermath of the devastating 2010 earthquake, and re-designated the country on July 23, 2011.

The Resolution further describes that Haiti's existing TPS designation has been extended through July 22, 2017 for qualifying individuals who timely applied for TPS and met subsequent re-registration requirements.

The Resolution explains that certain Haitian-born individuals whose entry to the U.S. after July 23, 2011 rendered them ineligible for TPS under the existing designation, would be eligible to apply in the event of a new designation for Haiti.

Additionally, the Resolution explains that in the wake of Haiti's devastating 2010 earthquake, the DHS halted the repatriation of Haitian nationals found ineligible to remain in the U.S.

The Resolution further explains that on September 22, 2016, Secretary of Homeland Security Jeh Johnson announced that the U.S. would resume repatriations to Haiti, despite confirmed reports that there remained significant safety concerns in Haiti, including the years-long cholera epidemic.

The Resolution acknowledges that, in light of Hurricane Matthew, Secretary Johnson stated that the U.S. would temporarily halt repatriations once more, but did not provide detailed information as to the duration of this policy.

The Resolution recognizes that since October 2015, more than 5,000 Haitian nationals, many of whom were displaced by the 2010 earthquake and were unable to return to Haiti or find stable refuge abroad, have presented at the U.S.- Mexico Border.

The Resolution states that, in September 2016, Sarah Saldaña, Director of the United States Immigration and Customs Enforcement (ICE), expressed to Congress that an additional 40,000 Haitian nationals may present at the U.S.-Mexico Border seeking admission into the U.S. on humanitarian grounds.

The Resolution declares that Secretary Johnsons announced that Haitian nationals arriving at the border in such manner would be subject to expedited removal proceedings and held in immigration detention until repatriations to Haiti resume.

The Resolution recognizes that on October 13, 2016, U.S. Senators Robert Menendez and Bill Nelson, along with ten other senators, asked Secretary of Homeland Security Jeh Johnson and Secretary of State John Kerry to issue a new TPS designation for Haiti, as well as provide detailed information about the duration of the temporary halt on repatriations, and called for alternatives to detention and standard removal proceedings for Haitian nationals arriving at the border.

The Resolution contemplates that, in addition to sending supplies and humanitarian aid, the U.S. can further support Haiti by providing temporary, humanitarian immigration relief to eligible Haitian-born individuals who cannot safely return to Haiti during this time of crisis.

For all of these reasons, the Resolution calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1290:)

Res. No. 1290

Resolution calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

By Council Members Eugene, Koo, Espinal, Dromm, Cornegy, Menchaca, Mendez, Williams, Wills and Kallos.

Whereas, On October 4, 2016, Haiti was hit by Hurricane Matthew, the strongest storm to hit Haiti in over fifty years and the worst natural disaster to strike the country since the 7.0 magnitude earthquake of 2010; and

Whereas, Reports indicate that Hurricane Matthew delivered sustained winds of 145 miles per hour, shed up to 25 inches of rainfall, and brought over ten feet in storm surge; and

Whereas, Reuters compiled preliminary death toll numbers provided by local Haitian officials and reported that there were more than 1,000 hurricane-related deaths; and

Whereas, The estimated number of displaced individuals is in the hundreds of thousands and there are confirmed reports that at least 175,000 individuals currently reside in temporary shelters; and

Whereas, In addition to structural damage, Hurricane Matthew's winds and flooding led to the loss of a significant portion of the country's crops and livestock; and

Whereas, Haiti's southern region was especially hard-hit, including the country's largest banana growing region where up to 80% of the crops that feed roughly 20,000 families were destroyed; and

Whereas, The United Nations estimates that at least 1.4 million Haitians are in need of urgent assistance due to the short supply of clean water, food, and medicine; and

Whereas, the UN and Pan American Health Organization fear that the ongoing cholera epidemic, which has sickened more than 800,000 people and claimed more than 10,000 lives since 2010, will worsen because many treatment centers were destroyed and flooding may have contaminated water supplies; and

Whereas, The Haitian government estimates the damage caused by Hurricane Matthew to be at least $1 billion; and

Whereas, The United States responded to the Haitian government's request for assistance by deploying the U.S.S. George Washington, as well as the amphibious transport dock Mesa Verde, and the hospital ship Comfort, all of which are supported by Navy and Marine aviation teams; and

Whereas, Nine United States military helicopters were deployed to Haiti, some of which are equipped to conduct search-and-rescue or medical evacuation missions, to transport supplies; and

Whereas, According to The Migration Policy Institute (MPI), there are roughly 600,000 Haitian-born individuals of varying immigration status residing in the United States, including U.S. Citizen, Lawful Permanent Resident and Temporary Protected Status, as well as undocumented status; and

Whereas, The MPI reports that New York State has the second largest Haitian-born population nationwide; and

Whereas, According to the U.S. Census American Community Survey, in 2014 there were approximately 128,755 Haitian-born individuals residing in New York, 90,000 of whom call New York City home; and

Whereas, The Secretary of the Department of Homeland Security (DHS) has the authority to designate a country for Temporary Protected Status (TPS) in the event its nationals are unable to safely return to that country due to ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, During the temporary designation period, eligible nationals may apply individually for TPS and. if approved, may not be detained by the DHS based solely on immigration status, and may remain in the United States and obtain employment and travel authorization; and

Whereas, An individual is only eligible for TPS if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of the DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to obtaining TPS, or to any other status they may have acquired while registered for TPS; and

Whereas, On January 21, 2010, the DHS designated Haiti for TPS in the aftermath of the devastating 2010 earthquake and re-designated the country on July 23, 2011; and

Whereas, Haiti's existing TPS designation has been extended through July 22, 2017 for qualifying individuals who timely applied for TPS and met subsequent re-registration requirements; and

Whereas, Certain Haitian-born individuals whose entry to the United States after July 23, 2011 rendered them ineligible for TPS under the existing designation, would be eligible to apply in the event of a new designation for Haiti; and

Whereas, In light of the devastation in Haiti after the 2010 earthquake, the DHS halted the repatriation of Haitian nationals found ineligible to remain in the United States; and

Whereas, On September 22, 2016, Secretary of Homeland Security Jeh Johnson announced that the United States would resume repatriations to Haiti, despite confirmed reports that there remained significant safety concerns in Haiti, including the years-long cholera epidemic; and

Whereas, In light of Hurricane Matthew, Secretary Johnson stated that the United States would temporarily halt repatriations once more, but did not provide detailed information as to the duration of this policy; and

Whereas, More than 5,000 Haitian nationals, many of whom were initially displaced by the 2010 earthquake and were unable to return to Haiti or find stable refuge abroad, have presented at the United States-Mexico Border since October 2015; and

Whereas, In September 2016, Sarah Saldaña, Director of the United States Immigration and Customs Enforcement (ICE), expressed to Congress that an additional 40,000 Haitian nationals may present at the United States-Mexico border seeking admission into the United States on humanitarian grounds; and

Whereas, Secretary Johnson made clear that Haitian nationals arriving at the border would be subject to expedited removal proceedings and held in immigration detention until repatriations to Haiti resume; and

Whereas, On October 13, 2016, United States Senators Robert Menendez and Bill Nelson, along with ten other senators, asked Secretary of Homeland Security Jeh Johnson and Secretary of State John Kerry to issue a new TPS designation for Haiti, as well as provide detailed information about the duration of the temporary halt on repatriations, and called for alternatives to detention and standard removal proceedings for Haitian nationals arriving at the border; and

Whereas, In addition to sending supplies and humanitarian aid, the United States can further support Haiti by providing temporary, humanitarian immigration relief to eligible Haitian-born individuals who cannot safely return to Haiti during this time of crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO; Committee on Immigration, December 5, 2016. *Other Council Members Attending: Council Member Williams.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

At this point the Speaker (Council Member Mark-Viverito) announced that the following items had been **preconsidered** by the Committee on Immigration and had been favorably reported for adoption.

Report for voice-vote item Res No. 1321

Report of the Committee on Immigration in favor of approving a Resolution affirming that despite president-elect Donald Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents.

The Committee on Immigration, to which the annexed preconsidered resolution was referred on December 6, 2016, respectfully

REPORTS:

I. INTRODUCTION

On December 5, 2016, the Committee on Immigration, chaired by Carlos Menchaca, held a public hearing to discuss Resolution No. 1321, which affirms that, despite president-elect Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents. Advocates, stakeholders and New Yorkers testified as to the importance of protecting immigrant communities and their support of the Council's resolution affirming that the City will remain a Sanctuary City.

On December 5, 2016, the Committee on Immigration voted in favor of Resolution No. 1321, relating to remaining a Sanctuary City, by a vote of four to zero. The Council is set to vote on the resolution at the December 6, 2016 Stated Meeting.

II. BACKGROUND

On November 8, 2016, eligible American citizens cast their ballots in support of one of four presidential hopefuls. On the ballot were; Democratic Party nominee Hillary Clinton, Republican Party nominee Donald Trump, Libertarian Party nominee Gary Johnson and Green Party nominee Jill Stein. Ultimately, Donald Trump secured sufficient Electoral College votes to become president-elect of the United States (U.S.).[1] President-elect Trump's inauguration is set to take place on January 20, 2017.

[1] http://time.com/4587866/donald-trump-election-map/

III. PRESIDENT-ELECT TRUMP'S ANTI-IMMIGRANT STANCE

From the time he announced his candidacy for the presidential election in June 2015, president-elect Donald Trump identified immigration as one of his top policy concerns.[2] In his pursuit of the Republican nomination, Mr. Trump set himself apart from the large pool of Republican candidates by taking a harsh anti-immigrant stance. Mr. Trump repeatedly pointed to immigration, both lawful and unlawful, as the main cause of low wages for, and high unemployment rate among, native-born American citizens.

When pressed for details as to the immigration-related policies he would espouse if elected president, Mr. Trump focused heavily on immigration enforcement and the exclusion of certain foreign-born individuals.[3] Specifically, Mr. Trump explained that he would build a physical wall along the U.S.-Mexico border to stem future unauthorized entries.[4] Further, he articulated that he would triple immigration enforcement efforts to remove unauthorized immigrants, as well as immigrants in lawful status who were previously justice-involved.[5] A reduction in employment-based visas and increased enforcement of the employment authorization verification system requirements were also frequently referenced.[6] Another of Mr. Trump's highly controversial positions related to the exclusion of immigrants from Muslim-majority countries and potential registration and "extreme-vetting" of immigrants from Muslim-majority countries already present in the country, or seeking admission, including refugees.[7]

IV. IMMIGRANTS IN NEW YORK

There are over 3 million immigrants in New York City.[8] According to the New York City Department of City Planning's 2013 report, "*The Newest New Yorkers*," foreign-born individuals account for roughly thirty-seven percent (37%) of New York City's total population.[9] It is believed that, approximately six-in-ten New Yorkers are either immigrants or the children of immigrants.[10]

A study by the Migration Policy Institute (MPI) found that among the 850,000 undocumented individuals in the state of New York, roughly twenty-seven percent (27%) of individuals resided with at least one U.S. Citizen child under eighteen years of age and another six percent (6%) resided with noncitizen children under eighteen years of age. Further, MPI reports that approximately eleven percent (11%) of individuals are married to a U.S. Citizen and seven percent (7%) are married to a Lawful Permanent Resident. The number for mixed-status families increases exponentially when other forms of immigration status such as employment visas and Temporary Protected Status are factored in.

V. SANCTUARY CITIES

The term "sanctuary city" has existed for quite some time though, notably, no statutory definition exists and there exists a range of local policies that could be considered relevant to a city's consideration as a "sanctuary city."[11] Generally, the term is used in reference to cities that limit law enforcement involvement in federal immigration enforcement activities.[12] Examples of such limitations include, restricting police from arresting individuals solely for immigration violations, limiting the sharing of immigration status or related data with federal authorities and barring law enforcement from inquiring about an individual's immigration status. [13]

Sanctuary cities have come to the forefront of American discourse on immigration policy on account of amplified deportation efforts by the federal government, which have led to an increase in the number of immigrants being deported from the U.S. Increasingly, various Immigration and Customs Enforcement (ICE)

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[2] https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/?utm_term=.4edc0866124b
[3] https://www.donaldjtrump.com/policies/immigration
[4] https://www.donaldjtrump.com/policies/immigration
[5] https://www.donaldjtrump.com/policies/immigration
[6] https://www.donaldjtrump.com/policies/immigration
[7] https://www.donaldjtrump.com/policies/immigration
[8] https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf.
[9] https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf.
[10] https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf.
[11] https://fas.org/sgp/crs/homesec/R43457.pdf
[12] https://fas.org/sgp/crs/homesec/R43457.pdf
[13] https://fas.org/sgp/crs/homesec/R43457.pdf

programs, such as Secure Communities (S-COMM)[14] and the Priority Enforcement Program (PEP)[15], have relied heavily on cooperation from local law enforcement to identify and detain immigrants who may be subject to deportation, often without a sufficient finding of probable cause.

The programs have resulted in the deportation of countless New Yorkers who pose no threat to public safety, many of whom have lived in the City for years, built families, work and pay taxes. Further, the fear of deportation due to cooperation between City agencies and ICE negatively affects community policing, and the willingness of immigrant crime victims and immigrant witnesses to report crimes.

VI. NEW YORK AS A SANCTUARY CITY

New York City has been a national leader in protecting the rights of its immigrant residents, regardless of immigration status, or lack thereof. In addition to limiting the City's cooperation with federal immigration enforcement efforts, the City has created a series of protections and initiatives meant to ensure the inclusion and integration of immigrant New Yorkers. In light of the significant escalation in anti-immigrant rhetoric nation-wide and the fear generated by president-elect Trump's harsh immigration stance, City Council Speaker Melissa Mark-Viverito has reaffirmed the City Council's unwavering commitment to New York City's immigrant community.[16]

a. *Local Laws and Executive Orders*[17]

In response to the federal government's increased reliance on local authorities to enforce immigration policy, the City Council passed Int. 486-A[18] and Int. 487-A[19], which limit the City's cooperation with federal immigration authorities except where there are public safety concerns. Signed by the Mayor on November 14, 2014, Local Laws 58 and 59 of 2014 provide that the Department of Corrections (DOC) and New York Police Department (NYPD) may not honor a federal detainer request for an individual unless: (1) ICE presents a judicial warrant as to probable cause; **AND** (2) the individual in question has been convicted of a violent or serious felony within the last five years or is a possible match on the terrorist watch list.[20] Additionally, the bills ended ICE presence at the Rikers Island detention facility.[21]

To ensure that immigrant New Yorkers are in no way deterred from seeking City services for which they are eligible, Executive Orders 34[22] and 41[23] of 2003 limit social services and law enforcement inquiry into immigration status. The orders prohibit inquiry except where necessary to determine eligibility for services, when required by law or, specific to law enforcement, when investigating illegal activity other than mere status as an undocumented person. Further, Executive Order 41 protects the confidentiality of information obtained by city employees and law enforcement in relation to a person's immigration status, sexual orientation, status as a victim of domestic violence or sexual assault, status as a crime witness, receipt of public assistance and income tax records unless disclosure is required by law or the subject has provided written consent to disclose such information.[24]

To address the need for greater language diversity in the delivery of government services, Local Law 73 of 2003[25] was passed to ensure that LEP New Yorkers would have equal access to city services. Additionally, Executive Order 120[26], which requires city agencies to implement language access plans, was implemented to reduce barriers to accessing vital city services. To further ensure language access protections, the City Council

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[14] https://www.aclu.org/other/secure-communities-s-comm
[15] https://www.ice.gov/pep
[16] http://labs.council.nyc/press/2016/11/17/141/
[17] http://www1.nyc.gov/site/immigrants/about/local-laws-executive-orders.page
[18] http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1935437&GUID=0A456911-54A6-41E5-8C5A-1D3B231D56AA&Options=ID|Text|&Search=486-A
[19] http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1935438&GUID=0F5303CD-D849-4451-A082-6C9997FC782D&Options=ID|Text|&Search=487-A
[20] http://www1.nyc.gov/office-of-the-mayor/news/520-14/mayor-bill-de-blasio-signs-law-bills-dramatically-reduce-new-york-city-s-cooperation-with#/0
[21] http://www1.nyc.gov/office-of-the-mayor/news/520-14/mayor-bill-de-blasio-signs-law-bills-dramatically-reduce-new-york-city-s-cooperation-with#/0
[22] http://www1.nyc.gov/assets/immigrants/downloads/pdf/eo-34.pdf
[23] http://www1.nyc.gov/assets/immigrants/downloads/pdf/eo-41.pdf
[24] http://www.thenyic.org/node/228
[25] http://www1.nyc.gov/assets/immigrants/downloads/pdf/locallaw-73.pdf
[26] http://www1.nyc.gov/assets/immigrants/downloads/pdf/eo-120.pdf

held a public hearing on November 17, 2016 on Int. No. 1181[27], which would codify, and expand upon, the existing language access policy set by Executive Order 120.[28]

b. *Immigrant Services and Initiatives*[29]

New York City has been a bulwark for immigrant inclusion and integration.[30] In addition to protections set by local law and executive order, the City Council funds multiple initiatives that, collectively, provide comprehensive support to immigrant New Yorkers.[31]

New York City has also launched multiple initiatives to enhance civic participation and maximize inclusion. Notably, the participatory budgeting[32] process gives New Yorkers the opportunity to vote on funding initiatives that benefit their communities. Additionally, the City's successful municipal identification card program, IDNYC[33], is available to all New York City residents over age 14, regardless of immigration status. With nearly 1 million cardholders, IDNYC is the largest municipal identification card program in the country. In addition to serving as government-issued identification, the card is integrated into the City's public library system and certain healthcare facilities and city agencies. Additionally, the card unlocks discounts on prescription medication, groceries, and entertainment. A signature benefit of the card is the free access and membership to over 40 New York City cultural institutions.

To ensure that New York City immigrants have a meaningful opportunity to seek immigration relief, the City Council funds a range of free immigration legal services programs. The New York Immigrant Family Unity Project[34] (NYIFUP) provides legal counsel to immigrants in detention who face deportation. The Unaccompanied Minors and Families Initiative[35] ensures that every unaccompanied minor living in New York City has access to legal advice and representation during removal proceedings. Under this program, countless mothers who fled Central America with their children also receive legal representation. The City Council also brings community partners and free legal services into neighborhoods across the five boroughs through its Key to the City[36] events and the CUNY Citizenship Now[37] program.

Additionally, through the Immigrant Opportunity Initiative (IOI), the City funds not-for-profit social and legal services providers to ensure immigrant New Yorkers understand and assert their rights. The organizations supported by IOI funds ensure immigrant access to justice and strengthen immigrant communities by raising awareness of available city services and protections.

To address labor law violations among a particularly vulnerable group of immigrant workers, the Council launched its Day Laborer Workforce Initiative. The organizations supported through this program conduct outreach and programming that educates day laborers on their rights in regard to wage theft, worksite safety regulations and worker's compensation to name a few.

The City has also remained highly committed to closing the education gap and, as a result, has made significant investments to ensure that all New Yorkers have access to quality adult literacy programming[38], including civics and English for Speakers of Other Languages (ESOL) classes.[39]

The health and well-being of the City's immigrant community has also been of great importance to the City Council. As a result, the Council launched the Immigrant Health Initiative[40], which makes quality healthcare accessible to immigrants.

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[27] http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=512322&GUID=FDD52B13-6CEB-4D98-B20D-6F25E5F7701E&Options=&Search=

[28] http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2735477&GUID=D0A0ECA1-4D71-47EB-B44D-5919777ED818&Options=ID|Text|&Search=int.+1181-2016

[29] http://labs.council.nyc/immigrant-resources/ and http://council.nyc.gov/html/budget/2017/skedc.pdf

[30] http://labs.council.nyc/immigrant-resources/ and http://council.nyc.gov/html/budget/2017/skedc.pdf

[31] http://labs.council.nyc/immigrant-resources/ and http://council.nyc.gov/html/budget/2017/skedc.pdf

[32] http://labs.council.nyc/pb/

[33] http://www1.nyc.gov/site/idnyc/index.page

[34] http://council.nyc.gov/html/pr/071913nyifup.shtml

[35] http://council.nyc.gov/html/pr/092314um.shtml and http://labs.council.nyc/press/2016/08/12/88/

[36] http://www.ny1.com/nyc/all-boroughs/news/2016/02/27/city-council-offers-immigrant-families-the--key-to-the-city--in-the-form-of-legal-assistance.html

[37] http://www1.nyc.gov/nyc-resources/service/1469/cuny-citizenship-now

[38] http://council.nyc.gov/html/budget/2017/skedc.pdf

[39] https://www1.nyc.gov/site/dycd/services/reading-writing/adult-literacy-program.page

[40] http://www.nylpi.org/wp-content/uploads/2016/08/08.12.16-Immigrant-Health-Initiative-City-Council-Press-Release.pdf

VII. RESOLUTION NO. 1321-2016

Resolution No. 1321 (the Resolution) affirms that despite president-elect Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents.

The Resolution proclaims that the City of New York serves as a global symbol of hope and opportunity for all.

The Resolution describes how New York City was built by immigrants and draws its economic and cultural vibrancy from the extraordinary and diverse mix of individuals who call the City home.

The Resolution states that a thriving immigrant population that participates fully in our community makes the City safer.

The Resolution exclaims that president-elect Trump's irresponsible rhetoric regarding immigrants is an affront to New Yorkers and does not reflect the City's core values, including a commitment to inclusion, compassion and the rule of law.

The Resolution affirms that the City will not abandon immigrant New Yorkers and will support and defend their rights.

The Resolution further affirms that the City's commitment to the rule of law and the protection of immigrant New Yorkers is deep and strong.

The Resolution explains that Executive Order 34 of 2003 ensures that City services are available to all residents, regardless of immigration status, to the maximum extent of the law.

The Resolution also explains that Executive Order 41 of 2003 mandates that no City officer or employee may disclose confidential information, including immigration status.

The Resolution acknowledges that the policies embodied in Executive Orders 34 and 41 are designed to foster and preserve confidence in law enforcement and help keep the City and all its residents safe and secure.

The Resolution recognizes that the Council has passed multiple local laws to limit the City's cooperation with Immigration and Customs Enforcement (ICE) and shield immigrant communities from draconian immigration enforcement actions that needlessly tear families apart and undermine confidence in law enforcement agencies.

The Resolution contemplates that these laws have thwarted thousands of needless deportations, protecting the constitutional right of immigrant New Yorkers while strengthening public safety.

The Resolution states that the Council will continue to closely monitor the implementation of these laws and expand on them if necessary.

The Resolution describes that the Council launched the New York Immigrant Family Unity Project (NYIFUP), the nation's first publicly funded legal services program for immigrants facing deportation.

The Resolution acknowledges that, currently, NYIFUP provides lawyers to every detained immigration facing deportation in New York who cannot afford private counsel and, thus, has had a dramatic impact by improving immigrants' chance of success in immigration court by as much as 1000%.

The Resolution contemplates that, as a result, countless New York families have been spared the devastation of losing a loved one to deportation and families have been preserved.

The Resolution recognizes that in response to the humanitarian crisis of unaccompanied Central American children seeking refuge in the U.S. after fleeing terrible violence in their home countries, the Council created the Unaccompanied Minors and Families Initiative, a public-private partnership that providers free legal services to refugee unaccompanied minors and families facing expedited deportation proceedings.

The Resolution further recognizes that the Unaccompanied Minors and Families Initiative also provides comprehensive social services to ensure critical access to education, health, and mental health services.

The Resolution acknowledges that, to date, the Unaccompanied Minors and Families Initiative (IOI) has provided valuable immigration legal services to hundreds of immigrant children and families.

The Resolution describes how the Council's Immigrant Opportunities Initiative supports programs that strengthen immigrant families and communities, facilitate immigrant workers in their access to justice and equal workplace standards and build and strengthen partnerships between community groups and legal services agencies.

The Resolution explains that the Council's Day Laborer Workforce Initiative supports day laborer centers across the City that serve as meeting places and resource centers to provide workforce training and access to legal services.

The Resolution further explains that the Council is committed to bridging the education gap and has made significant investments to ensure that all New Yorkers have access to quality adult literacy programming, including civics and English as a Second Language classes.

The Resolution recognizes that the Council's Immigrant Health Initiative provides access to quality healthcare for immigrants.

The Resolution explains that, in 2014, the Council passed a law creating IDNYC, the largest municipal identification card in the nation, to facilitate access to City services and other benefits for all New Yorkers, including immigrants.

The Resolution proclaims that the Council stands firmly behind the described programs and will continue to support and provide sanctuary for its immigrant community.

For all of these reasons, the Resolution affirms that despite president-elect Donald Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents.

Accordingly, this Committee recommends its adoption.

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

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO; Committee on Immigration, December 5, 2016. *Other Council Members Attending: Council Member Williams.*

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

The following 3 Council Members formally noted their objection to this item:
Council Members Borelli, Deutsch, and Matteo.

The following Council Member formally noted his abstention on this item:
Council Member Vallone.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1321

Resolution affirming that despite president-elect Donald Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents.

By The Speaker (Council Member Mark-Viverito) and Council Members Lander, Menchaca, Kallos, Cumbo, Reynoso, Levin, Williams, Espinal, Rosenthal, Ferreras-Copeland, Chin, Lancman, Rose, Miller, Rodriguez, Levine, Treyger, Garodnick, Mendez, Constantinides and Koo.

Whereas, The City of New York serves as a global symbol of hope and opportunity for all; and

Whereas, New York City was built by immigrants and draws its economic and cultural vibrancy from the extraordinary and diverse mix of individuals who call the City home; and

Whereas, Immigrant families have deep roots in our communities and deserve to be welcomed, support and protected; and

Whereas, a thriving immigrant population that participates fully in our community makes our City safer; and

Whereas, President-elect Trump's irresponsible rhetoric regarding immigrants is an affront to New Yorkers and does not reflect our core values, including a commitment to inclusion, compassion and the rule of law; and

Whereas, The City will not abandon immigrant New Yorkers and we will support and defend their rights; and

Whereas, The City's commitment to the rule of law and the protection of immigrant New Yorkers is deep and strong; and

Whereas, Executive Order No. 34 of 2003 ensures that City services are available to all residents regardless of immigration status to the maximum extent of the law; and

Whereas, Executive Order No. 41 of 2003 mandates that no City officer or employee may disclose confidential information, including immigration status; and

Whereas, The policies embodied in Executive Orders 34 and 41 are designed to foster and preserve confidence in law enforcement and help keep the City and all its residents safe and secure; and

Whereas, The Council has passed multiple local laws to limit the City's cooperation with Immigration and Customs Enforcement and shield immigrant communities from draconian immigration enforcement actions that needlessly tear families apart and undermine confidence in law enforcement agencies; and

Whereas, These laws have thwarted thousands of needless deportations, protecting the constitutional rights of immigrant New Yorkers while strengthening public safety; and

Whereas, The Council will continue to closely monitor the implementation of these laws and expand on them if necessary; and

Whereas, In 2013 the Council launched the New York Immigrant Family Unity Project (NYIFUP), the nation's first publicly funded legal services program for immigrants facing deportation; and

Whereas, Today, NYIFUP provides lawyers to every detained immigrant facing deportation in New York who cannot afford private counsel and has had a dramatic impact; improving immigrants' chance of success in immigration court by as much as 1000%; and

Whereas, As a result, countless New York families have been spared the devastation of losing a loved one to deportation and families have been preserved; and

Whereas, In response to the humanitarian crisis of unaccompanied Central American children seeking refuge here after fleeing terrible violence in their home countries, the Council created the Unaccompanied Minors and Families Initiative, a public-private partnership that provides free legal services to refugee unaccompanied minors and families facing expedited deportation proceedings; and

Whereas, The Unaccompanied Minors and Families Initiative also provides comprehensive social services to ensure critical access to education, health and mental health services; and

Whereas, To date the Unaccompanied Minors and Families Initiative has provided valuable immigration legal services to hundreds of immigrant children and families; and

Whereas, The Council's Immigrant Opportunities Initiative supports programs that strengthen immigrant families and communities, facilitate immigrant workers in their access to justice and equal workplace standards and build and strengthen partnerships between community groups and legal services agencies; and

Whereas, The Council's Day Laborer Workforce Initiative supports day laborer centers across the City that serve as meeting places and resource centers to provide workforce training and access to legal services; and

Whereas, The Council is committed to bridging the education gap and has made significant investments to ensure that all New Yorkers have access to quality adult literacy programming, including civics and English as a Second Language classes; and

Whereas, The Council's Immigrant Health Initiative provides access to quality healthcare for immigrants; and

Whereas, In 2014, the Council passed a law creating IDNYC, the largest municipal identification card in the nation, to facilitate access to City services and other benefits for all New Yorkers including immigrants; and

Whereas, The Council stands firmly behind these programs and will continue to support and provide sanctuary for our immigrant community; now, therefore, be it

Resolved, That despite president-elect Donald Trump's senseless threats, New York City will remain a Sanctuary City for immigrant residents.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Immigration).

Int. No. 1381

By Council Member Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to procedures for the transportation of staff on Rikers Island

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 9-141 to read as follows:

§ 9-141 Rikers Island transportation procedures. The commissioner shall ensure that transportation provided by the department on Rikers Island does not permit staff to make verbal or physical contact with visitors or inmates recently released from the custody of the department. For the purposes of this section, the term "staff" means anyone, other than an inmate, working at a facility operated by the department.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1382

By Council Members Cornegy, Miller, Cumbo, Salamanca, Richards, Torres, Barron, Menchaca and Chin.

A Local Law to amend the New York city charter, in relation to the reporting of information on the workforce of contractors performing construction work for the city

Be it enacted by the Council as follows:

Section 1. Subdivision e of Section 1305 of the New York city charter is amended by adding a new paragraph 8 to read as follows:

8. Within 45 days of the end of each quarter of the fiscal year, the division shall deliver to the mayor and the council and post on its website a report containing information on the workforce of construction contractors and subcontractors covered by rules established pursuant to this section. Such quarterly report shall include information concerning individuals employed to work on city-funded construction projects during the prior quarter, based upon data aggregated from employment reports as provided for by this subdivision and periodic updated employment reports as provided by subdivision f of this section.

§2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 1383

By Council Members Crowley, Levine, Deutsch, Vacca and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring New York city emergency responders to use appropriate bulletproof vests

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-131 to read as follows:

§ 15-131 Bulletproof vests. Where the department requires the use of bulletproof vests, such vests shall:

a. Be covered by their manufacturer's warranty;

b. Have not been in use for more than five years;

c. Have never been struck by any projectile from a firearm, or any similar projectile;

d. Fit their user properly in such a manner that they provide the protection for which they were designed;

e. Meet the standard for ballistic resistance classification IIIA as determined by the national institute of justice or any successor national institute of justice standard; and

f. Not be damaged in any other way that would substantially affect performance;

§2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Fire and Criminal Justice S**e**rvices

Res. No. 1322

Resolution calling upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents' bill of rights to be distributed at initial home visits in child protective investigations and made available online.

By Council Members Cumbo, Richards and Chin.

Whereas, The Child Protective Services Act of 1973 (Title 6 of the Social Services Law) established a child protective service in each county of New York State, with each service required to investigate reports of suspected child abuse or maltreatment, to protect children under 18 years old from further abuse or maltreatment, and to provide rehabilitative services for children, parents and other family members involved; and

Whereas, The Child Protective Services Act of 1973 also requires the New York State Office of Children and Family Services ("OCFS") to maintain a Statewide Central Register of Child Abuse and Maltreatment ("SCR") to receive telephone calls alleging child abuse or maltreatment within New York State and to relay the information to the appropriate local child protective service; and

Whereas, In New York City, the Administration for Children's Services ("ACS") is the local child protective service and is required to commence an investigation within 24 hours of receiving a report of suspected child abuse or maltreatment from the SCR; and

Whereas, The child protective investigation must include at least one home visit with one face-to-face contact with the parents or guardians of the child named in the SCR report; and

Whereas, According to ACS, in Fiscal Year 2014, there were 55,529 investigations of SCR reports pertaining to children in New York City; and

Whereas, According to the ACS Office of Advocacy, parents who are involved with the child welfare system are often initially frightened, suspicious, and intimidated because they lack information about and are unfamiliar with system rules and regulations; and

Whereas, According to a 2015 report by Public Advocate Letitia James, children in New York City spend more than twice as long on average in foster care as children in the rest of the country do, and many parents of children in foster care have reported difficulty accessing adequate and appropriate services from ACS, leading to unnecessary impediments to reunification; and

Whereas, A parents' bill of rights could address these problems by setting forth the rights of parents and guardians while they are involved with the child welfare system; and

Whereas, The parents' bill of rights could be distributed by child protective services caseworkers to parents or guardians at the initial home visit to ensure that parents and guardians are aware of their rights from the outset of the child protective investigation and also could be available on OCFS's website; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents' bill of rights to be distributed at initial home visits in child protective investigations and made available online.

Referred to the Committee on General Welfare.

Int. No. 1384

By Council Members Ferreras Copeland, Lander, Williams, Kallos, Rodriguez, Richards, Torres, Rose, Levin, Dromm, Cohen, Reynoso, Espinal, Levine, Vacca, Rosenthal, Johnson, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Treyger, Crowley, Cabrera, Eugene, Maisel, Miller, Cumbo and Cornegy.

A Local Law to amend the administrative code of the city of New York in relation to providing fast food employees the ability to make voluntary contributions to not-for-profit organizations of their choice through payroll deductions

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13
PAY DEDUCTIONS FOR CONTRIBUTIONS TO NOT-FOR-PROFIT ORGANIZATIONS

§ 20-1301 Pay deductions for voluntary contributions by fast food employees to not-for-profit organizations

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

Chain. The term "chain" means a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.

Covered not-for-profit organization. The term "covered not-for-profit organization" means an entity that is organized under the not-for-profit corporation law or the law governing incorporation of not-for-profit organizations in the jurisdiction of its incorporation, which seeks remittances and has been certified by the department pursuant to subdivision c below.

Department. The term "department" means the department of consumer affairs.

Employee. The term "employee" includes any person covered by the definition of "employee" set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of "employee" set forth in subsection (e) of section 203 of title 29 of the United States code, and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. The term "employee" does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term "employer" includes any person or entity covered by the definition of "employer" set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of "employer" set forth in in subsection (d) of section 203 of title 29 of the United States code. The term "employer" does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or agency or other body thereof.

Fast food employee. The term "fast food employee" means any person employed or permitted to work at or for a fast food establishment by any employer that is located within the city where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance. The term "fast food employee" does not include any employee who is salaried.

Fast food employer. The term "fast food employer" means any employer that employs a fast food employee at a fast food establishment.

Fast food establishment. The term "fast food establishment" means any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out, or delivered to the customer's location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally; or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees

of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term "fast food establishment" includes such establishments located within non-fast food establishments.

Franchise. The term "franchise" has the same definition as set forth in section 681 of the general business law.

Franchisee. The term "franchisee" means a person or entity to whom a franchise is granted.

Franchisor. The term "franchisor" means a person or entity who grants a franchise to another person or entity.

Integrated enterprise. The term "integrated enterprise" means two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

Remittance. The term "remittance" means a voluntary contribution duly authorized in writing by a fast food employee to be deducted from the employee's pay and remitted to a covered not-for-profit organization pursuant to this chapter.

Retaliate. The term "retaliate" includes actions to threaten, intimidate, discipline, discharge, demote, suspend, harass, reduce employee hours or pay, inform another employer that an employee has engaged in activities protected by this chapter, or discriminate against an employee, and any other such action that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise any right protected under this chapter. The term "retaliate" also includes threats or adverse action related to perceived immigration or work authorization because the employee or former employee exercises a right protected under this chapter.

b. Requirement to deduct and remit voluntary contributions to covered not-for-profit organizations. 1. An employer of a fast food employee shall, upon written authorization of a fast food employee, including electronic authorization or other authorization method prescribed by the department, deduct voluntary contributions from the employee's pay and remit them to the covered not-for-profit organization designated by the employee. Such authorization shall include:

(a) The fast food employee's name and address;

(b) The amount, frequency and commencement date of the contribution; and

(c) The name and address of the covered not-for-profit organization to which the fast food employee wishes to contribute.

2. An authorization, which may be submitted by either a covered not-for-profit or a fast food employee, is valid until the fast food employee revokes the authorization in writing and transmits the revocation to the employer.

3. The employer shall provide a copy of any written authorization or revocation to the covered not-for-profit organization to which it pertains within five business days of receipt.

4. The employer shall commence deductions no later than the first pay period after 15 days of receipt of the authorization and shall remit the deductions to the covered not-for-profit organization no later than 15 days after deduction.

5. A fast food employer is not required to honor an authorization for a contribution:

(a) Of less than $6 per pay check if the fast food employee is paid every two weeks, or less than $3 per pay check if the fast food employee is paid every week; or

(b) More than once per pay period.

6. Processing fee. Upon request by a fast food employer, the covered not-for-profit organization shall reimburse the employer for the reasonable costs of deduction and remittance in an amount determined by the department.

7. Written notice of rights and obligations. A fast food employer shall provide written notice to its fast food employees of their rights and the employer's obligation under this section on a form provided by the department.

c. Certification of covered not-for-profit organizations.

1. A not-for-profit organization seeking to be certified pursuant to this subdivision must provide the department with the following:

(a) The name, address, email address and phone number of the organization; and

(b) Proof of current status as a not-for-profit organization.

2. A not-for-profit organization shall be certified by the department upon demonstration that:

(a) The organization is incorporated as a not-for-profit corporation under the laws of the state of its incorporation;

(b) The organization has not been dissolved and its not-for-profit status has not been revoked, pursuant to applicable law; and

(c) At least 500 fast food employees have authorized contributions in the form described in subdivision b of this section. Such authorizations need not be from fast food employees employed by the same fast food employer.

3. Upon request by a fast food employer or a fast food employee, the department shall provide written confirmation that a not-for-profit organization has been certified pursuant to this subdivision.

d. Nothing herein shall be construed to permit deductions prohibited by section 193 of the labor law or to require remittances to a "labor organization" within the meaning of section 2(5) of the national labor relations act.

e. Enforcement. 1. In addition to failure to comply with subdivision b of this section, it is a violation of this section for any employer to discriminate or retaliate against any fast food employee who makes a request for voluntary deductions pursuant to paragraph 1 of subdivision b of this section or files a complaint pursuant to this section or files a civil action pursuant to subdivision f of this section.

2. Whenever the department has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a fast food employee, a covered not-for-profit organization, or a fast food employee's representative claiming a violation of this section, the department shall conduct an investigation to determine the facts relating thereto.

3. The department, after providing the employer an opportunity to cure any violations, where appropriate shall issue an order, determination or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination or disposition may at the discretion of the department impose the following on the employer committing the applicable violations:

(a) Direct deductions and remittances as authorized by the fast food employee, and pay interest to the covered-not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year;

(b) Direct payment of a further sum as a civil penalty in an amount not exceeding $500 except that in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such employer has willfully failed to deduct or remit in accordance with paragraph 1 of subdivision b of this section or to comply with paragraph 1 of this subdivision, the department may impose a civil penalty in an amount not exceeding $1,000; and

(c) Direct the reinstatement of, back pay for, and other appropriate relief for any person found to have been subject to discrimination, retaliation or coercion. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, and the good faith of the employer.

4. Before issuing an order, determination or other disposition, the department shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The department may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings, or other appropriate department or tribunal, for a hearing and disposition. Such person or employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate department or tribunal, and shall have the opportunity to be heard in respect to such matters. Either party may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify the order, determination or other disposition of such office, department or tribunal.

5. In an investigation conducted by the department under the provisions of this section, the inquiry of the department shall not extend to violations committed more than three years prior to the filing of the complaint or to the commencement of such investigation, whichever is earlier.

f. Civil Action. 1. Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the department with respect to such claim. In an action brought by a fast food employee, if the court finds in favor of the employee, it shall award the employee, in addition to other relief, his or her reasonable attorneys' fees and costs.

2. Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the department is dismissed, an aggrieved person shall maintain all rights to commence a civil action pursuant to this section as if no such complaint had been filed.

3. A civil action commenced under this section shall be filed in accordance with subdivision 2 of section 214 of the civil practice law and rules.

4. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

g. Application. This section does not discourage, prohibit, preempt or displace any law, regulation, rule, requirement, written policy or standard that is at least as protective of an employee as the requirements of this section.

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

Int. No. 1385

By Council Member Ferreras-Copeland (in conjunction with the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the sale of tax liens and notice to property owners of the mailing of property tax bills

Be it enacted by the Council as follows:

Section 1. Section 1519-a of the New York city charter is amended by adding a new subdivision 10 to read as follows:

10. Promptly upon the mailing of property tax bills for the quarterly or semi-annual installments of tax due in accordance with this section, the commissioner shall, to the extent practicable, notify by electronic mail owners of real property who have registered an electronic mail address online with the commissioner to receive department of finance property information updates that property tax bills have been mailed.

§ 2. Section 11-245.8 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The notice mailed no later than October thirty-first of each year shall include contact information for the office of financial empowerment at the department of consumer affairs.

§ 3. Subdivision a-4 of section 11-319 of the administrative code of the city of New York, as added by local law number 15 for the year 2011, is amended to read as follows:

a-4. In addition to any sale authorized pursuant to subdivision a, a-1, a-2 or a-3 of this section and notwithstanding any provision of this chapter to the contrary, beginning on March first, two thousand eleven, the emergency repair charges component or alternative enforcement expenses and fees component, where such emergency repair charges accrued on or after January first, two thousand six and are made a lien pursuant to section 27-2144 of this code, or where such alternative enforcement expenses and fees are made a lien pursuant to section 27-2153 of this code, of any tax lien on any class of real property, as such real property is defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such emergency repair charges component or alternative enforcement expenses and fees component of such tax lien, as of the date of the first publication, pursuant to subdivision a

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

§ 4. The opening paragraph of subdivision b of section 11-319 of the administrative code of the city of New York, as amended by local law number 14 for the year 2015, is amended to read as follows:

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

§ 5. Paragraph 6 of subdivision b of section 11-319 of the administrative code of the city of New York, as amended by local law number 15 for the year 2011, is amended to read as follows:

6. The rate of interest on any tax lien certificate shall be the rate adopted for nonpayment of taxes on real property pursuant to subdivision (e) of section 11-224.1 [of this title on the effective date of the local law that added this sentence] *that is in effect on January 1 of the year in which the tax lien is sold.*

§ 6. Subdivision a of section 11-320 of the administrative code of the city of New York, as amended by local law number 68 for the year 2007, is amended to read as follows:

a. 1. The tax lien on property in the city shall not be sold pursuant to section 11-319 of this chapter unless notice of such sale as provided herein has been published twice, the first publication to be in a newspaper of general circulation in the city, not less than ninety days preceding the date of the sale, and the second publication to be in a publication designated by the commissioner of finance, not less than ten days preceding the date of the sale. Such publication shall include a description by block and lot or by such other identification as the commissioner of finance may deem appropriate, of the property upon which the tax lien exists that may be included in the sale, and a statement that a list of the tax liens that may be included in the sale is available for inspection in the office of the city register and the office of the county clerk of Richmond county. The commissioner of finance shall file such list in the office of the city register and the office of the county clerk of Richmond county not less than ninety days prior to the date of sale.

2. Not less than ninety days preceding the date of the sale, the commissioner of finance shall post online, to the extent such information is available, the borough, block and lot of any property on which a lien has been or will be noticed for sale in accordance with paragraph 1 of this subdivision and that, in one or more of the five fiscal years preceding the date of the sale, was in receipt of a real property tax exemption pursuant to section 420-a of real property tax law and, in addition, shall post online, to the extent such information is available, the borough, block and lot of any vacant land classified as class one or class four pursuant to section 1802 of the real property tax law on which a lien has been or will be noticed for sale in accordance with paragraph 1 of this subdivision. Any failure to comply with this paragraph shall not affect the validity of any sale of tax liens pursuant to this chapter.

§ 7. Subdivision b of section 11-320 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

5. The department of finance and the department of environmental protection shall, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with such departments and (ii) has received the ninety-day notice described in paragraph 1 of this subdivision. Any such contact by telephone or electronic mail shall inform such person of the intention to sell a tax lien and shall provide such other information as the respective commissioner deems appropriate, which may include, but need not be limited to, the telephone numbers and electronic mail addresses of the employees designated pursuant to subdivision f of this section. Failure by the department of finance or the department of environmental protection to contact any such person by telephone or electronic mail shall not affect the validity of any sale of tax liens pursuant to this chapter.

§ 8. Section 11-320 of the administrative code of the city of New York is amended by adding a new subdivision c-1 to read as follows:

c-1. Where a tax lien on property in the city has been noticed for sale pursuant to subdivision b of this section and such lien, prior to the date of sale, has been paid or is otherwise determined by the commissioner not to be eligible to be sold, the commissioner shall promptly notify by mail the owner of such property that such lien will not be or was not included in such sale and the reason therefor.

§ 9. Subdivision f of section 11-320 of the administrative code of the city of the New York, as amended by local law number 68 for the year 2007, is amended to read as follows:

f. The commissioner of finance shall designate an employee of the department to respond to inquiries from owners of property for which a tax lien has been sold or noticed for sale pursuant to subdivision a of this section and shall designate an employee of the department to respond to inquiries from owners sixty-five years of age or older of property for which a tax lien has been sold or noticed for sale pursuant to subdivision a of this section. The commissioner of environmental protection shall designate at least one employee of the department of environmental protection to respond to inquiries from owners of property for which a tax lien containing a water rents, sewer rents or sewer surcharges component has been sold or noticed for sale pursuant to subdivision a of this section. *The telephone numbers and electronic mail addresses of employees designated pursuant to this subdivision shall be posted on the websites of the respective agencies.*

§ 10. Subdivision j of section 11-320 of the administrative code of the city of New York, as added by local law number 14 for the year 2015, is amended to read as follows:

j. At the request of a council member, the commissioner of finance, in consultation with the commissioner of housing preservation and development and the commissioner of environmental protection, may conduct outreach sessions in the district of such council member. The scope of such outreach sessions shall include, but need not be limited to, (i) actions property owners can take if a lien is sold on such property; (ii) the type of tax lien or tax liens that can be sold in a tax lien sale; (iii) installment agreement information, including informing attendees in such outreach sessions of their option to enter into an installment agreement for exclusion from the tax lien sale with no down payment, and their option to enter such agreement for a term not more than ten years; (iv) credits and property tax exemptions that may exclude a property from a tax lien sale; *(v) distribution of a customer survey to property owners who have received notice of the intention to sell a tax lien on their property, in order to determine the circumstances that led to the creation of the lien;* and [(v)] *(vi)* any other credit or residential real property tax exemption information, which, in the discretion of the commissioner, should be included in such outreach sessions. *The commissioner shall make a good faith effort to have a financial counselor from a not-for-profit organization available at such outreach sessions.* No later than ninety days after the tax lien sale, the commissioner of finance shall submit to the council a report on the number of outreach sessions performed in each council district during the ninety-day period preceding the tax lien sale. Such report shall include: (i) the number of installment agreements begun by property owners or, as defined in subdivision b of section 11-322 of this chapter, other eligible persons, acting on behalf of property owners at each outreach session; (ii) the number of property tax exemption applications begun at each outreach session; and (iii) the total number of attendees at each outreach session. Such report and the results of each outreach session shall be disaggregated by council district.

§ 11. Section 11-320 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. The commissioner shall post online a summary of the information reported to the council pursuant to subdivisions h and i of this section.

§ 12. Subdivision b of section 11-322 of the administrative code of the city of New York, as amended by local law number 147 for the year 2013, paragraph 5 of subdivision b as added by local law number 14 for the year 2015, is amended to read as follows:

b. In accordance with rules promulgated by the commissioners of finance and environmental protection, a property owner, or other eligible person, as defined by rule, acting on behalf of an owner, may enter into agreements with the departments of finance and environmental protection for the payment in installments of any delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter. The proposed sale of a tax lien or tax liens on property shall be cancelled when a property owner, or other eligible person acting on behalf of an owner, enters into an agreement with the respective agency for the payment of any such lien. Such rules shall also provide that such property owners or such other eligible persons be given information regarding eligibility for real property tax exemption programs prior to entering into such agreements. As used in this subdivision, the term "other eligible person" shall include a fiduciary, as defined in paragraph three of subdivision (a) of section 11-1.1 of the estates, powers and trusts law, acting with respect to the administration of the property of an estate of a decedent who owned the real property as to which an agreement under this subdivision is sought, or on behalf of a beneficiary of such real property from such estate. Any rules promulgated in accordance with this subdivision defining "other eligible person" shall include in such definition the means by which a beneficiary of real property of the estate of a decedent who owned real property as to which an agreement under this subdivision is sought meets the definition of "other eligible person." Such means shall include the furnishing of any death certificates or other relevant documents that substantiate the claim of a beneficiary that they are the legal owner of the property. Notwithstanding any other provision of this section, no more than one such agreement with each respective agency may be in effect for a property at any one time.

1. If payments required from a property owner, or other eligible person acting on behalf of an owner, pursuant to such an agreement are not made for a period of six months, such property owner, or such other eligible person, shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such property owner's, or such other eligible person's, bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of sale. If such default is not cured prior to the date of sale, such property owner, and any other eligible person acting on behalf of an owner, shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the department that entered into the installment agreement with the property owner or such other eligible person. *Notwithstanding the foregoing sentence, such property owner, or any other eligible person acting on behalf of an owner, shall be eligible, one time only, to enter into an installment agreement for the subject property after such default, provided that such property owner, or other eligible person acting on behalf of an owner, makes a down payment of 20 percent of any delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter, including any outstanding interest and fees. The standards relating to defaults and cures of defaults of installment agreements set forth in this paragraph apply to installment agreements authorized by the preceding sentence, except that any property owner, or any other eligible person acting on behalf of an owner, who fails to cure a default of an installment agreement authorized by the preceding sentence prior to the date of sale, shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the department that entered into the installment agreement with the property owner or such other eligible person.*

2. An installment agreement shall provide for payments by the property owner, or other eligible person acting on behalf of an owner, on a quarterly or monthly basis, [in the discretion of the appropriate commissioner,] for a period not less than eight years and not more than ten years, provided that a property owner, or other eligible person acting on behalf of an owner, may elect a period less than eight years. [There] *Except as provided in paragraph 1 of this subdivision, there* shall be no down payment required upon the property owner's, or such other eligible person's, entering into the installment agreement with the respective department, but the property owner, or other eligible person acting on behalf of an owner, may elect to make a down payment. *With respect to installment agreements with the commissioner of environmental protection, the determination of whether payments shall be on a quarterly or monthly basis shall be in the discretion of such*

commissioner, except as provided in paragraph 3 of this subdivision. With respect to installment agreements with the commissioner of finance, the determination of whether payments shall be on a quarterly or monthly basis shall be in the discretion of the property owner, or other eligible person acting on behalf of an owner.

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

4. No later than September first, two thousand eleven, the commissioners of finance and environmental protection shall promulgate rules governing installment agreements, including but not limited to, the terms and conditions of such agreements, the payment schedules, and the definition and consequences of default; no later than June first, two thousand fourteen, the commissioners of finance and environmental protection shall promulgate rules governing eligibility of owners or other eligible persons acting on behalf of owners to enter into installment agreements.

5. All installment agreements executed on or after March first, two thousand fifteen shall include a conspicuous statement that if payments required from a property owner pursuant to such an agreement are not made for a period of six months, such property owner shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such property owner's bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of sale. Such statement shall also include a notification that if such default is not cured prior to the date of sale, such property owner shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances in accordance with rules promulgated by the department that entered into the installment agreement with the property owner. Such statement shall include the definition of extenuating circumstances. *All installment agreements executed on or after the effective date of the local law that added this sentence shall also include a statement describing the conditions under which the property owner, or any other eligible person acting on behalf of an owner, may be eligible, after default, to enter into another installment agreement after such default, in accordance with paragraph 1 of this subdivision.*

6. If a property owner, or other eligible person acting on behalf of an owner, who has entered into an installment agreement with the department of finance, fails to make a payment pursuant to such agreement, then the department of finance shall, after the first missed payment only, mail a letter to the property owner, or other eligible person acting on behalf of an owner, stating that such owner, or other eligible person, is at risk of being in default of such agreement. The letter shall be mailed after the first missed payment if the department has not received payment within two weeks of the due date.

§ 13. Section 11-355 of the administrative code of the city of New York, as amended by local law number 98 for the year 1997, is amended to read as follows:

§ 11-355 Reporting. The commissioner of finance shall submit an annual report to the council concerning the sale or sales of tax liens during the preceding year pursuant to this chapter. Such report shall include the following information regarding such sale or sales: a list of properties for which a tax lien or tax liens has or have been sold, including identification of the particular tax lien or tax liens sold; the proceeds received from the sale or sales of tax liens; identification of the purchaser of and servicer for the tax lien or tax liens sold; a report of servicer activities during the immediately preceding year; the redemption rate for tax liens that have been sold; the delinquency rate for real property taxes for the immediately preceding year; and any other information pertinent to the sale of tax liens that may be requested by the council and which is not made confidential pursuant to section 11-208.1 of the code. Upon request by the council, information provided in such report shall be arranged by community board. In addition to such report, the commissioner of finance shall from time to time provide any other information pertinent to the sale of tax liens that may be requested by the council and which is not made confidential pursuant to section 11-208.1 of the code, including updated information regarding the sale or sales of tax liens pursuant to this chapter. *In addition to such report, no later than October 31, 2020, the commissioner shall provide to the council a report listing all properties on which liens have been sold during the period from January 1, 2017 through August 31, 2020. The report shall indicate, based on records in the office of the register, whether a transfer of or mortgage recorded on any of such properties has occurred during such period after the sale of any tax lien sold during such period.*

§ 14. This local law takes effect immediately.

Referred to the Committee on Finance.

Res. No. 1323

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

By Council Member Ferreras-Copeland.

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

Whereas, On June 26, 2015 the City Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the "Fiscal 2016 Expense Budget"); and

Whereas, On June 26, 2014 the City Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the "Fiscal 2015 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2017, Fiscal 2016, and Fiscal 2015 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves sets forth the changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves sets forth the changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Healthy Aging Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 10; 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 2017 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 14; 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 Food Pantries Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers for Immigrant Populations Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Step In and Stop It Initiative to Address Bystander Intervention in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Student Voter Registration Day Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding and approves the removal of funds from the administering agency receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding and approves the removal of funds from a certain organization pursuant to the Bail Fund Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Art as a Catalyst for Change Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 31; 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 Ending the Epidemic Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Work, Learn, Grow Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Video Visitation Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Dropout Prevention and Intervention Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Creative Arts Team Initiative in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Prevent Sexual Assault (PSA) Initiative for Young Adults in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 38; 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 2016 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, aging and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2017 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2017, as set forth in

Referred to the Committee on Finance.

Int. No. 1386

By Council Member Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to reducing rodent infestation

Be it enacted by the Council as follows:

Section 17-133.1 of the administrative code of the city of New York is amended to read as follows:

§ 17-133.1 Failure to abate rodents; penalties. Every person, corporation, or body that shall violate or not conform to any provisions of the health code of the city of New York or any applicable law, rule or regulation pertaining to the eradication of rodents, the elimination of rodent harborages or other rodent related nuisances shall be liable to pay a civil penalty of not less than [three] *five* hundred dollars for the first violation. The penalty for each subsequent violation of the same provision of law, rule or regulation, at the same premises and under the same ownership or control, within a two-year period, shall be double the amount of the previous violation; provided, however, that such penalty shall not exceed the maximum allowable penalty set forth in section 17-133 of this code. Such penalties may be sued for and recovered by and in the name of the department, with costs, before any judge, justice, administrative law judge or hearing examiner in the city having jurisdiction of such or similar actions. The judge, justice, administrative law judge or hearing examiner who presided at a trial or hearing where such penalty is determined and assessed shall fix, in writing, the amount of the penalty to be recovered, and shall direct that such amount be included in the judgment or decision.

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

Referred to the Committee on Health.

Int. No. 1387

By Council Members Johnson, Rosenthal, Reynoso, Torres, Richards, Lander, Levin, Cohen, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Ferreras-Copeland, Cabrera, Espinal, Maisel, Cornegy, Dromm, Cumbo, and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 6 to read as follows:

Subchapter 6
On-Call Scheduling

§ 20-1261 On-call scheduling prohibited. a. Except as otherwise provided by law, an employer shall not:

1. Schedule a retail employee for any on-call hours;

2. Cancel any scheduled hours of work for a retail employee within 72 hours of the start of such hours;

3. Require a retail employee to work with fewer than 72 hours' notice, unless the employee consents in writing; or

4. Require a retail employee to contact an employer to confirm whether or not the employee should report for scheduled hours fewer than 72 hours before the start of such hours.

5. Provide a retail employee less than 20 hours of work during any 14-day period, offset by any hours an employee elects to take as leave, paid or unpaid, with the employer's consent, during that 14-day period.

b. This subchapter does not prevent an employer from allowing a retail employee to request time off or prevent a retail employee from working in place of another employee who has been scheduled to work a particular scheduled work period as long as the retail employees mutually agree upon the change.

§ 20-1262 Notice of schedule. a. An employer shall post in a location that is accessible and visible to all employees at the work location a physical copy of the work schedule of all the employees at that work location at least 72 hours prior to the beginning of the scheduled hours of work and shall update the schedule and directly notify affected employees as soon as practicable after changes are made to the work schedule.

b. Upon request by a retail employee, an employer shall provide the employee with such retail employee's work schedule in writing for any previous week worked and the most current version of all retail employees' work schedules at that work location, whether or not changes to the work schedule have been posted.

§ 20-1263 Worker initiated agreement. The provisions of this subchapter do not apply to any employee covered by a valid collective bargaining agreement, or in an addendum to an existing agreement, including an agreement that is open for negotiation, if both (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable or superior benefit for the employees covered by such agreement.

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the New York city charter and the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in an introduction for the year 2016, takes effect, except that the commissioner of the department 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 Civil Service and Labor.

Int. No. 1388

By Council Members Johnson, Cohen, Rosenthal, Reynoso, Torres, Richards, Lander, Constantinides, Levin, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Kallos, Lancman, Menchaca, Chin, Crowley, Treyger, Cabrera, Rodriguez, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to banning consecutive work shifts in fast food restaurants involving both the closing and opening of the restaurant

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

Subchapter 3
Minimum Time Between Shifts

§ 20-1231 Minimum time between shifts. Unless the fast food employee requests or consents to work such hours in writing, no fast food employer shall require any fast food employee to work two shifts with fewer than 11 hours between the end of the first shift and the beginning of the second shift when the first shift ends the previous calendar day or spans two calendar days, and in any case such employer shall pay such employee $100 for each instance that such employee works such shifts.

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the New York city charter and the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in an introduction for the year 2016, takes effect, except that the commissioner of the department 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 Civil Service and Labor.

Int. No. 1389

By Council Members Kallos, Rodriguez and Koslowitz.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment

Be it enacted by the Council as follows:

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to add a new item 6 to read as follows:

6. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with four or more traffic lanes.

§ 2. Section 28-201.2.3 of the administrative code of the city of New York, as added by local law number 47 for the year 2012, is amended to add a new item 2 to read as follows:

2. A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with three or less traffic lanes.

§ 3. Section 28-302.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-302.5 Repair of exterior walls, unsafe condition. Upon notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days [of] *after* filing the critical examination report.

2. The registered design professional shall reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.

3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.

4. [The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.] *If an unsafe condition has not been corrected within the time period set forth in item 1, including any extension granted under item 3, the commissioner shall direct the commissioner of housing preservation and development or the department of citywide administrative services or another authorized agency to perform or arrange for the performance of such correction in the manner provided for emergency work under section 28-215.1. Such work shall be deemed emergency work for the purposes of section 28-215.1.1.*

§ 4. Section 3202.4 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3202.4 Temporary encroachments. Encroachments of temporary nature shall comply with Sections 3202.4.1 through [3202.4.3] *3202.4.4.*

§ 5. Section BC 3202 of the New York city building code, as amended by local law 141 for the year 2013, is amended by adding a new section 3202.4.4 to read as follows:

3202.4.4 Contractor sheds and offices. *Contractor sheds or offices shall not be placed on a street.*
Exception: *Where the commissioner determines it would be impracticable to place such contractor shed or office in a location other than on the street, provided that such placement complies with applicable rules of the Department of Transportation.*

§ 6. Section 3307.2.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.2.2 Temporary public walkway in the street. Where authorized by the Department of Transportation, a temporary walkway open to the public may be provided in the street in front of the site. Such temporary walkway shall be protected in accordance with the requirements of the Department of Transportation. *Such walkway shall be removed and pedestrian access to the sidewalk shall be restored if there has been no work at such site for a period of seven or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of seven or more consecutive days at such site if the department visits such site at least twice within a seven-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.*

Exceptions:

1. Where work has temporarily ceased due to weather.

2. Where work has temporarily ceased because of expiration of applicable permits from the department and the permit holder has applied for a renewal of such permits.

3. Where removal would pose a risk of physical harm to pedestrians.

§ 7. Section 3307.4.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.4.3 Vehicular traffic. Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barriers, signals, signs, flagpersons, or other devices, equipment, and personnel in accordance with the requirements of the Department of Transportation. *Barriers that are placed in the roadway to prohibit vehicular traffic shall be removed if there has been no work for a period of one or more hours. There shall be a rebuttable presumption that no work has occurred for a period of one or more hours if (i) in response to a complaint, the department visits the site and observes no work occurring or (ii) the department visits the site at least twice in one day, at times which are separated by at least one hour, and observes no work occurring.*

§ 8. Section 3307.6.5.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.6.5.2 Supervision of installation, adjustment, repair, and removal. The installation, adjustment, repair, or removal of a sidewalk shed shall be performed under the supervision of a competent person designated by the permit holder for the sidewalk shed. *The permit holder shall cause the removal of a sidewalk shed if there has been no work performed on the site for seven or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of seven or more consecutive days at such site if the department visits such site at least twice within a seven-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.*

Exceptions:

1. Where work has temporarily ceased due to weather.

2. Where work has temporarily ceased because of expiration of permits from the department and where the permit holder has applied for a renewal of such permits.

3. Where removal of sidewalk sheds would pose a risk of physical harm to pedestrians.

4. Where work has temporarily ceased due to a stop work order issued by the department.

§ 9. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings, the commissioner of transportation, the commissioner of housing preservation and development, the commissioner of citywide administrative services and the head of any agency authorized to perform or arrange for the performance of emergency work under section 28-215.1 of the administrative code of the city of New York, as amended by section one of this local law, may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1390

By Council Members Kallos, Mendez, Richards and Gentile.

A Local Law to amend the New York city charter, in relation to the appointment of a board of standards and appeals coordinator within the department of city planning

Be it enacted by the Council as follows:

Section 1. Section 191 of the New York city charter is amended to read as follows:

§ 191 Department and director of city planning. a. There shall be a department of city planning, the head of which shall be the director of city planning. The director of city planning shall be the chair and a member of the city planning commission and shall serve at the pleasure of the mayor.

b. The director of city planning shall:

1. Advise and assist the mayor, the borough presidents and the council in regard to the physical planning and public improvement aspects of all matters related to the development of the city.

2. Provide staff assistance to the city planning commission in all matters under its jurisdiction.

3. Be the custodian of the city map and record thereon all changes legally authorized.

4. Conduct continuous studies and collect statistical and other data to serve as the basis for planning recommendations.

5. Provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter.

6. Assist the mayor in the preparation of strategic plans, including the preparation of the report provided for in section sixteen concerning the social, economic and environmental health of the city, the strategic policy statement provided for in section seventeen and the ten-year capital strategy provided for in section two hundred fifteen.

7. Appoint a deputy executive director for strategic planning.

8. Make a complete transcript of the public meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The director shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover the costs of copying and, where relevant, mailing.

9. Designate a board of standards and appeals coordinator who shall attend all meetings of the board. The director shall post on the department's website such coordinator's name and contact information.

10. Provide on the department's website, a record of each hearing of the board of standards and appeals at which the department or the city planning commission presents testimony, and a copy of any written testimony submitted in connection therewith in searchable and machine-readable format or formats.

11. Perform such other functions as are assigned to him or her by the mayor or other provisions of law.

c. The department shall employ such planning experts, engineers, architects and other officers and employees as may be required to perform its duties, within the appropriation therefor.

§ 2. This local law takes effect 90 days after enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1391

By Council Members Kallos, Koslowitz, Richards and Gentile

A Local Law to amend the New York city charter, in relation to qualifications of staff members of the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Section 661 of the New York city charter is amended to read as follows:

§ 661. Staff, powers and duties. a. The executive director may appoint such engineers, architects, and experts and other officers and employees as may be required to perform the duties of his or her office, with the approval of the board and within the appropriation provided therefor. *The executive director shall also appoint at least one staff member who shall be a state certified general appraiser and a member of the Appraisal Institute with expertise analyzing and auditing real estate investments, with the approval of the board and within the appropriation provided therefor.*

b. The executive director shall assign and supervise all members of his or her staff. The executive director shall have prepared and presented matters before the board of standards and appeals in accordance with the rules, regulations and directives of such board, and shall prepare the calendar of such board.

§ 2. This local law takes effect 90 days after enactment.

Referred to the Committee on Governmental Operations

Int. No. 1392

By Council Members Kallos, Koslowitz, Mendez, and Richards.

A Local Law to amend the New York city charter, in relation to requirements for applications before the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Section 668 of the New York city charter is amended to read as follows:

§ 668. Variances and special permits. *a. Each application to vary the zoning resolution or for a special permit within the jurisdiction of the board of standards and appeals shall be filed with the board of standards and appeals with notarized certifications by the applicant, the property owner, and the preparer of any document accompanying the application, executed under penalty of perjury, that the statements made in the application and accompanying papers are true.*

b. If the application requests a variance from the zoning resolution, it shall include the following:

1. In addition to any evidence submitted in support of a claim of uniqueness of physical conditions, a description of the character of the properties within a 400 foot radius of the project site boundaries, an analysis of such properties pursuant to guidelines promulgated by the board of standards and appeals, and the following information about each zoning lot in the analyzed area to the extent such information is publicly available in the decisions, city environmental quality review documents, or websites of the office of environmental remediation, the board of standards and appeals, the mayor's office of environmental coordination, the department of city planning, the department of housing preservation and development, or the mayor's office of housing recovery: the dimensions of such lot; descriptions of any non-complying buildings or structures on such lot; a description of any environmental hazards on such lot, including but not limited to the presence of hazardous materials or vapors, soil contamination or groundwater contamination; a description of any geotechnical issues on such lot, including but not limited to, ground water, shallowness, subway structures, soil conditions or bedrock irregularities; and any prior decisions of the board of standards and appeals in connection with such lot.

2. In addition to any evidence submitted in support of a claim that there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of the zoning resolution will bring a reasonable return, the following information: the market-based acquisition costs for the property based on the market value of similarly situated properties subject to the same size and usage restrictions under the zoning resolution; hard and soft costs associated with developing the property in conformance with the existing size and usage restrictions under the zoning resolution; total development costs associated with developing the property in conformance with the existing size and usage restrictions under the zoning resolution; and the amount of any construction or rehabilitation financing obtained. If the applicant asserts that the project cannot obtain construction or rehabilitation financing because of the existing zoning requirements, the applicant shall provide proof of all attempts to obtain such financing.

3. For rental properties, the application shall include the following information based on the existing size and usage restrictions under the zoning resolution, accompanied by similar information about comparable properties with narrative adjustments for time, location, age, zoning and physical characteristics: a breakdown of rental income by floor and square footage; gross income; vacancy/collection loss percentage and estimate; effective income; operating expenses; real estate taxes; water and sewer charges; net operating

income; and a calculation of the overall return obtained by dividing the net operating income by the total development cost.

4. For cooperatives and condominium properties, in addition to any evidence submitted in support of a claim that there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of the zoning resolution will bring a reasonable return, the application shall include the following information based on the existing size and usage restrictions under the zoning resolution, accompanied by comparable information about similar properties with narrative adjustments for time, location, age, zoning and physical characteristics: a breakdown of projected sellout value by square footage, floor and unit mix; sales and marketing expenses; capitalized value of leased portions; net sellout value; a calculation of net profit obtained by deducting the total development costs from the net sellout value; and a calculation of return percentage obtained by dividing the net profit the total development cost.

c. Community boards and borough boards shall review applications to vary the zoning resolution and applications for special permits within the jurisdiction of the board of standards and appeals under the zoning resolution pursuant to the following procedure:

1. Each proposal or application shall be filed with the board of standards and appeals, which shall forward a copy within five days to the community board for each community district in which the land involved, or any part thereof, is located, and to the borough board if the proposal or application involves land located in two or more districts in a borough.

2. Each such community board shall, not later than sixty days after the receipt of the proposal or application, either notify the public of the proposal or application, in the manner specified by the city planning commission pursuant to subdivision i of section one hundred ninety-seven-c, conduct a public hearing thereon and prepare and submit a written recommendation thereon directly to the board of standards and appeals, or waive the conduct of such public hearing and the preparation of such written recommendation.

3. A copy of a recommendation or waiver by a community board pursuant to paragraph two of this subdivision that involves land located within two or more community districts in a borough shall also be filed with the borough board within the same time period specified in that paragraph. Not later than thirty days after the filing of such a recommendation or waiver with the borough board by every community board in which the land involved is located or after the expiration of the time allowed for such community boards to act, the borough board may hold a public hearing on the proposal or application and any such recommendation and may submit a written recommendation or a waiver thereof to the board of standards and appeals.

4. The receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, shall constitute an authorization to the board of standards and appeals to review the application and to make a decision.

5. If after the receipt of such a recommendation or waiver from every community or borough board involved, or the expiration of the time allowed for such boards to act, the applicant for a special permit or variance submits to the board of standards and appeals any additional documents or plans, he or she shall at the same time forward copies of such documents or plans to the city planning commission, the council member involved and to the community or borough board involved.

6. Copies of any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law in connection with an application under this section, and any documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any such draft environmental impact statement shall be delivered to all affected community boards and borough boards.

7. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each community board involved and each borough president involved shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

[b]*d*. The recommendation of a community board or borough board pursuant to subdivision [a]*c* of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. *All testimony delivered at such hearing shall be sworn under oath.* A decision of the board shall

indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement.

[c]*e*. Copies of a decision of the board of standards and appeals and copies of any recommendation of the affected community board or borough board shall be filed with the city planning commission. Copies of the decision shall also be filed with the affected community or borough boards.

[d]*f.* Any decision of the board of standards and appeals pursuant to this section may be reviewed as provided by law.

[e]*g. The board of standards and appeals shall make publicly available on its website each application submitted pursuant to this section and all written testimony and materials submitted in connection with a public hearing conducted pursuant to subdivision d of this section. Such information shall be made available online within five days of each such submission*.

h. The city planning commission shall be a party to any proceeding to determine and vary the application of the zoning resolution. The commission may appear and be heard on any application pursuant to this section before the board of standards and appeals if, in the judgment of the city planning commission, the granting of relief requested in such application would violate the requirements of the zoning resolution relating to the granting of variances. The commission shall have standing to challenge the granting or denial of a variance in a proceeding brought pursuant to article seventy-eight of the civil practice law and rules, or in any similar proceeding.

i. The board of standards and appeals may promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this section.

§ 2. Chapter 27 of the New York city charter is amended by adding a new section 670 to read as follows:

§ 670 False statements. a. It shall be unlawful for any person to knowingly or negligently make or allow to be made a material false statement in any certificate, professional certification, form, signed statement, application or report that is either submitted directly to the board of standards and appeals or that is generated with the intent that the board rely on its assertions.

b. A person who has been found, after a hearing at the environmental control board or before any authorized tribunal of the office administrative trials and hearings, to have made or allowed to be made a material false statement in violation of subdivision a of this section shall be subject to a $25,000 fine each such false statement.

§ 3. This local law takes effect 90 days after enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1393

By Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Vacca and Menchaca.

A Local Law to amend the New York city charter, in relation to requiring the board of standards and appeals to report on variances and special permits

Be it enacted by the Council as follows:

Section 1. Chapter 27 of the New York city charter, as amended by local law 107 for the year 1993, is amended by adding a new section 670 to read as follows:

§ 670. Reports on variances and special permits. a. Not later than December 15, 2016 and no later than December fifteenth each year thereafter, the board of standards and appeals shall provide to the council and post on its website in a non-proprietary format that permits automated processing, a report regarding variances and special permits for the first four months of the current fiscal year. Such report shall include the following information for the reporting period, disaggregated by type of variance or permit: (1) the number of applications filed; (2) the number of applications for which a hearing was held; (3) the number of applications that were approved; (4) the number of applications that were denied; (5) the number of appeals filed; (6) the

number of appeals granted; (7) the number of appeals denied; (8) the average length of time from when an application was filed to when a decision was made; and (9) the average length of time from when an appeal was filed to when a decision was made.

b. Not later than August 1, 2017 and no later than August first each year thereafter, the board of standards and appeals shall provide to the council and post on its website in a non-proprietary format that permits automated processing a report regarding variances and special permits for the entire previous fiscal year. Such report shall include the following information for the reporting period, disaggregated by type of variance or permit: (1) the number of applications filed; (2) the number of applications for which a hearing was held; (3) the number of applications that were approved; (4) the number of applications that were denied; (5) the number of appeals filed; (6) the number of appeals granted; (7) the number of appeals denied; (8) the average length of time from when an application was filed to when a decision was made; and (9) the average length of time from when an appeal was filed to when a decision was made.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1394

By Council Members Kallos, Matteo, Richards, Van Bramer, Mendez, Koslowitz, Vacca, Gentile, Menchaca and Chin.

A Local Law to amend the New York city charter, in relation to the creation of an interactive zoning variance and special permit map

Be it enacted by the Council as follows:

Section 1. Section 668 of the New York city charter is amended by adding a new subdivision f to read as follows:

f. The board of standards and appeals shall provide to the public on its website an interactive map that displays the location of all variances and special permits approved by such board since January 1, 1996. Such interactive map shall allow a user to filter the view of such map by: (1) borough; (2) council district; (3) community district; (4) type of variance; (5) date; and (6) for special permits, by active and inactive status.

§ 2. This local law takes effect 90 days after enactment.

Referred to the Committee on Governmental Operations.

Int. No. 1395

By Council Members Lander, Johnson, Kallos, Rodriguez, Richards, Ferreras-Copeland, Torres, Reynoso, Rosenthal, Levin, Cohen, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Crowley, Cabrera, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

Subchapter 4
Access to Hours

§ 20-1241 Offering additional shifts to current fast food employees. a. Whenever a fast food employer has additional work shifts to provide in any fast food job position, such employer shall offer such shifts first to its current fast food employees employed at the location where the additional shifts are needed before hiring additional fast food employees or subcontractors, including hiring through the use of temporary services or staffing agencies, to work such shifts.

b. When additional shifts become available, a fast food employer shall post the total number of shifts being offered, the schedule of available shifts, whether those shifts will occur at the same time each week, and the length of time the employer anticipates requiring coverage of the additional shifts, the process by which fast food employees may notify the employer of their desire to work the offered shifts, and the criteria the employer will use for distribution of shifts. The fast food employer must post such notice in a conspicuous and accessible location where fast food employee notices are customarily posted for three consecutive calendar days. If the fast food employer posts the notice in electronic format, all fast food employees in the workplace must have access to it on site.

c. A fast food employer shall assign additional shifts to a fast food employee who has responded to the offer of work. If more than one such employee has responded to the offer of work, the employer shall distribute the work among interested employees according to the criteria contained within the notice required by subdivision b of this section, provided that an employer's system for distribution of shifts must not discriminate on the basis of age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual orientation, alienage or citizenship status, or any other class protected by federal, state or local law.

d. A fast food employee's response to the offer of work shall serve as written consent to the addition of shifts, if such consent is required by subdivision d of section 20-1221.

e. A fast food employer shall make reasonable efforts to offer fast food employees training opportunities to gain the skills and experience to perform work for which the employer typically has additional needs.

f. This subchapter shall not be construed to require any fast food employer to offer any fast food employee shifts paid at a premium rate under subsection (a) of section 207 of title 29 of the United States code or the overtime requirements of the labor law or any minimum wage order promulgated by the New York commissioner of labor pursuant to labor law article 19 or 19-A, nor to prohibit any employer from offering such shifts.

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the New York city charter and the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in an introduction for the year 2016, takes effect, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including promulgating rules and conducting outreach and education, before such date.

Referred to the Committee on Civil Service and Labor.

Int. No. 1396

By Council Members Lander, Johnson, Cohen, Rose, Kallos, Rodriguez, Richards, Ferreras-Copeland, Torres, Reynoso, Rosenthal, Constantinides, Levin, Levine, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Crowley, Cabrera, Espinal, Eugene, Maisel, Miller, Williams, Cumbo, Dromm and Cornegy.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing general provisions governing fair work practices and requiring certain

fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-a of the New York city charter, as added by local law number 104 for the year 2015, is amended to read as follows:

c. Notwithstanding any other provision of law, the director shall have all powers of the commissioner of consumer affairs as set forth in section 2203 of this charter in connection with the enforcement of chapter 8 of title 20 of the administrative code of the city of New York regarding the earned sick time act[and shall have], the power to enforce chapter 9 of title 20 of such code regarding mass transit benefits *and all other powers granted to the director by this charter and by the administrative code*.

§ 2. Subdivision (e) of section 2203 of the New York city charter, as amended by local law number 11 for the year 2016, is amended to read as follows:

(e) The commissioner shall have all powers as set forth in:

(1) chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violation of such chapter upon his or her own initiative; [and]

(2) section 22-507 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding the retention of grocery workers, and the power to conduct investigations regarding violations of such section upon his or her own initiative[.]*; and*

(3) all other powers granted to the commissioner by this charter and by the administrative code.

§ 3. Title 20 of the administrative code of the city of New York is amended by adding new chapters 11 and 12 to read as follows:

CHAPTER 11
RESERVED
CHAPTER 12
FAIR WORK PRACTICES

Subchapter 1
General Provisions

§ 20-1201 Definitions. As used in this chapter, the following terms have the following meanings, unless otherwise specified for a particular subchapter:

Chain. The term "chain" means a set of establishments that share a common brand or that are characterized by standardized options for decor, marketing, packaging, products and services.

Department. The term "department" means the department of consumer affairs.

Employee. The term "employee" includes any person covered by the definition of "employee" set forth in subdivision 5 of section 651 of the labor law or any person covered by the definition of "employee" set forth in subsection (e) of section 203 of title 29 of the United States code, and who is employed within the city and who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law. The term "employee" does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term "employer" includes any person or entity covered by the definition of "employer" set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of "employer" set forth in in subsection (d) of section 203 of title 29 of the United States code. The term "employer" does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including

the legislature and the judiciary; or (iii) the city or any local government, municipality or county or agency or other body thereof.

Fast food employee. The term "fast food employee" means any person employed or permitted to work at or for a fast food establishment by any employer that is located within the city where such job duties include at least one of the following: customer service, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning or routine maintenance. The term "fast food employee" does not include any employee who is salaried.

Fast food employer. The term "fast food employer" means any employer that employs a fast food employee at a fast food establishment.

Fast food establishment. The term "fast food establishment" means any establishment (i) that has as its primary purpose serving food or drink items; (ii) where patrons order or select items and pay before eating and such items may be consumed on the premises, taken out or delivered to the customer's location; (iii) that offers limited service; (iv) that is part of a chain; and (v) that is one of 30 or more establishments nationally, including (A) an integrated enterprise that owns or operates 30 or more such establishments in the aggregate nationally or (B) an establishment operated pursuant to a franchise where the franchisor and the franchisees of such franchisor own or operate 30 or more such establishments in the aggregate nationally. The term "fast food establishment" includes such establishments located within non-fast food establishments.

Franchise. The term "franchise" has the same definition as set forth in section 681 of the general business law.

Franchisee. The term "franchisee" means a person or entity to whom a franchise is granted.

Franchisor. The term "franchisor" means a person or entity who grants a franchise to another person or entity.

Good faith estimate. The term "good faith estimate" means a good faith estimate in writing setting forth the number of hours, days, times and expected work locations at which the employee is expected to work.

Integrated enterprise. The term "integrated enterprise" means two or more entities sufficiently integrated so as to be considered a single employer as determined by application of the following factors: (i) degree of interrelation between the operations of multiple entities; (ii) degree to which the entities share common management; (iii) centralized control of labor relations; and (iv) degree of common ownership or financial control.

On-call hour or on-call shift. The term "on-call hour" or "on-call shift" means any time that the employer requires the employee to be available to work, to contact the employer or the employer's designee or to wait to be contacted by the employer or the employer's designee to determine whether the employee must report to work. The term "on-call hour" or "on-call shift" applies whether or not the employee is on the employer's premises when contacted.

Retail business. The term "retail business" means any entity with five or more employees that is engaged in the sale of consumer goods at one or more stores within the city. For the purposes of this definition, "consumer goods" means products that are primarily for personal, household, or family purposes, including but not limited to appliances, clothing, electronics, groceries, and household items. In determining the number of employees performing work for a retail business for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

Retail employee. The term "retail employee" means any employee who is employed by a retail business.

Retaliate. The term "retaliate" includes actions to threaten, intimidate, discipline, discharge, demote, suspend, harass, reduce employee hours or pay, inform another employer that an employee has engaged in activities protected by this chapter, or discriminate against an employee, and any other such action that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise any right protected under this chapter. The term "retaliate" also includes threats or adverse action related to perceived immigration status or work authorization because the employee or former employee exercises a right protected under this chapter.

Schedule change premium. The term "schedule change premium" means money that an employer pays to an employee as compensation for changes the employer makes to the employee's work schedule, including canceling, shortening or moving shifts, including on-call shifts, to another date or time; adding additional hours to shifts already scheduled; and adding previously unscheduled shifts to shifts already scheduled. Such payment is not wages earned for work performed by that employee but rather is in addition to wages.

Shift. The term "shift" means a span of consecutive hours starting when an employer requires an employee to report to a work location and ending when such employee is free to leave a work location. Breaks totaling two hours or less are not an interruption of consecutive hours, provided that such breaks do not include time when the employee's work location is closed.

Work schedule. The term "work schedule" means those locations, hours, days and times at or on which an employer requires an employee to work.

§ 20-1202 Application. This chapter does not discourage, prohibit, preempt or displace any law, regulation, rule, requirement, policy or standard that is at least as protective of an employee as the requirements of this chapter.

§ 20-1203 Outreach and education. The department shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

§ 20-1204 Reporting. The commissioner shall report annually on the department website, without revealing identifying information about any particular non-public matter or complaint, on the effectiveness of its enforcement activities under this chapter, which report shall include the following information:

a. Complaints. 1. The number and nature of the complaints received pursuant to this chapter;

2. The results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued;

3. The number and nature of administrative adjudications pursuant to this chapter;

4. Whether and how many complaints were resolved through mediation or conciliation; and

5. The average time for a complaint to be resolved.

b. Civil actions commenced by corporation counsel against employers involving violations under this chapter.

§ 20-1205 Retaliation. a. No employer, employer's agent, officer or agent of any corporation, partnership, or limited liability company or any other person shall retaliate against an employee for exercising or attempting to exercise any right guaranteed under this chapter.

b. No employer, employer's agent, officer or agent of any corporation, partnership, or limited liability company, or any other person shall interfere with any investigation, proceeding or hearing pursuant to this chapter.

c. An employee complaint or other communication need not make explicit reference to any section or provision of this chapter to trigger the protections of this section.

§ 20-1206 Notice and posting of rights. a. The commissioner shall, by the effective date of this chapter, publish and make available a notice for employers to post in the workplace or at any job site informing employees of their rights protected under each subchapter. Such notices shall be available in a downloadable format on the department website in Chinese, English, French-Creole, Italian, Korean, Russian, Spanish and any other language deemed appropriate by the commissioner. The commissioner shall update such notice once a year if any changes are made to the requirements of this chapter.

b. Every employer shall conspicuously post at any workplace or job site where any employee works the notice described in subdivision a of this section that is applicable to the particular workplace or job Such notice shall be in English and any language spoken as a primary language by at least five percent of employees at that location if the commissioner has made the notice available in that language.

§ 20-1207 Recordkeeping a. Employers shall retain records documenting their compliance with the applicable requirements of this chapter for a period of three years and shall allow the department to access such records and other information, with appropriate notice, in furtherance of an investigation conducted pursuant to this subchapter.

b. When an employer fails to maintain, retain or produce a record or other information required to be maintained by this chapter and requested by the department in furtherance of an investigation conducted

pursuant to this chapter that is relevant to a material fact alleged by the department in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

§ 20-1208 Administrative enforcement; jurisdiction and complaint procedures. a. Jurisdiction. The department shall enforce the provisions of this chapter and shall have all of the powers as set forth in sections 20-a and 2203 of the charter, including the power to conduct an investigation in response to a complaint or upon its own initiative.

b. Complaint procedure. 1. Any person alleging a violation of this chapter, or an organization that represents the rights of workers, may file a complaint with the department within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and, pursuant to its power to conduct an investigation upon its own initiative, may investigate the workplace-wide practices of the person or entity identified in the complaint, regardless of whether the complaint is meritorious, withdrawn or otherwise dismissed.

3. The person or entity under investigation shall provide the department with information or evidence that the department requests. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the department believes that a violation of this chapter has occurred, the department may attempt to resolve it through any action authorized by section 20-a of the charter, including by issuing a notice of violation returnable to the office of administrative trials and hearings, or through settlement.

4. The department shall maintain confidentiality of the identity of any complainant unless disclosure is necessary for resolution of the investigation or otherwise required by the law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity before such disclosure.

§ 20-1209 Administrative remedies for employees or former employees; generally. a. The department may seek or impose penalties as provided in this chapter and may grant employees or former employees all appropriate relief.

b. Such penalties and relief to employees shall be imposed based on a per employee and per instance basis for each violation.

§ 20-1210 Specific administrative remedies for employees or former employees for violations of this chapter. a. Employees' administrative remedies pursuant to subchapter 2 of this chapter. For violations of subchapter 2 of this chapter regarding advance scheduling and schedule change premiums, the department may grant the following relief to employees or former employees:

1. Payment of schedule change premiums withheld in violation of section 20-1222;

2. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1206, 20-1207 and 20-1221, and the requirements set forth in sections 20-1231 and 20-1241;

3. Rescission of any discipline issued in violation of section 20-1205;

4. Reinstatement of any employee terminated in violation of section 20-1205;

5. Payment of back pay for any loss of pay resulting from discipline or other action taken in violation of section 20-1205;

6. Other compensatory damages and any other relief required to make the employee whole; and

7. The following penalties payable to employees or former employees:

(a) $200 for each violation of subdivision b of section 20-1206, subdivision a of section 20-1207, and section 20-1221;

(b) $300 for each violation of section 20-1222;

(c) $500 for each violation of section 20-1205 not involving termination; and

(d) $2,500 for each termination in violation of section 20-1205.

b. Employees' administrative remedies pursuant to subchapter 3. For violations of subchapter 3 of this chapter regarding minimum time between shifts, the department may grant the following relief to employees or former employees:

1. Payment required for a violation of section 20-1231;

2. An order directing compliance with the recordkeeping and posting requirements set forth in subdivision b of section 20-1206 and subdivision a of 20-1207 and the requirements set forth in section 20-1231;

3. Rescission of any discipline issued in violation of section 20-1205;

4. Reinstatement of any employee terminated in violation of section 20-1205;

5. Payment of back pay for any loss of pay resulting from discipline or other action take in violation of section 20-1205;

6. Other compensatory damages and any other relief required to make the employee whole; and

7. The following penalties payable to employees or former employees:

(a) $200 for each violation of subdivision b of section 20-1206 and subdivision a of section 20-1207;

(b) $500 for each violation of section 20-1205 not involving termination; and

(c) $2,500 for each termination in violation of section 20-1205.

c. Employees' administrative remedies pursuant to subchapter 4. For violations of subchapter 4 of this chapter regarding access to hours for fast food workers, the department may grant the following relief to employees or former employees:

1. An order directing compliance with the posting and recordkeeping requirements set forth in subdivision b of section 20-1206, subdivision a of 20-1207, and the requirements set forth in section 20-1241;

2. Rescission of any discipline imposed in violation of section 20-1205;

3. Reinstatement of any employee terminated in violation of section 20-1205;

4. Payment of back pay for any loss of pay resulting from discipline or other action taken in violation of section 20-1205;

5. Other compensatory damages and any other relief required to make the employee whole; and

6. The following penalties payable to employees or former employees:

(a) $200 for each violation of subdivision b of section 20-1206 and subdivision a of section 20-1207;

(b) $300 for each violation of section 20-1241;

(c) $500 for each violation of section 20-1205 not involving termination; and

(d) $2,500 for each termination in violation of section 20-1205.

d. Employees' administrative remedies pursuant to subchapter 5. For violations of subchapter 5 of this chapter providing a right to request flexible work arrangements and a right to receive temporary work schedule changes in certain emergency situations, the department may grant the following relief to employees or former employees:

1. Payment of $200 for each violation of sections 20-1252 to 20-1254;

2. An order directing compliance with the posting and recordkeeping requirements set forth in subdivision b of section 20-1206 and subdivision a of 20-1207;

3. Rescission of any discipline imposed in violation of section 20-1205;

4. Reinstatement of any employee terminated in violation of section 20-1205;

5. Payment of back pay for any loss of pay resulting from discipline or other action take in violation of section 20-1205;

6. Other compensatory damages and any other relief required to make the employee whole; and

7. The following penalties payable to employees or former employees:

(a) $200 for each violation of subdivision b of section 20-1206 and subdivision a of section 20-1207;

(b) $500 for each violation of section 20-1205 not involving termination; and

(c) $2,500 for each termination in violation of section 20-1205.

e. Employees' administrative remedies pursuant to subchapter 6. For violations of subchapter 6 of this chapter regulating on-call hours, the department may grant the following relief to employees or former employees:

1. For each violation of paragraphs 1 and 2 of subdivision a of section 20-1261 and for each violation of section 20-1261, the greater of $500 or such employee's actual damages;

2. For each act in violation of subdivision a of section 20-1262, $300;

3. For each instance of unlawful retaliation other than discharge from employment, the greater of $500 or full compensation, including lost wages and benefits and equitable relief as appropriate; and

4. For each instance of unlawful discharge from employment, the greater of $1,000 or full compensation including lost wages and benefits, and equitable relief, including reinstatement, as appropriate.

§ 20-1211 Specific civil penalties payable to the city. a. For each violation of subchapter 2 of this chapter relating to advanced scheduling and schedule change premiums, the department may impose a penalty of up to $500 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to $750 for the second violation and up to $1,000 for each succeeding violation.

b. For each violation of subchapter 3 of this chapter relating to minimum time between shifts, the department may impose a penalty of up to $500 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to $750 for the second violation and up to $1,000 for each succeeding violation.

c. For each violation of subchapter 4 of this chapter relating to access to hours for existing employees, the department may impose a penalty of up to $1,000 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to $2,000 for the second violation and up to $3,000 for each succeeding violation.

d. For each violation of subchapter 5 of this chapter relating to the right to request flexible work arrangements and to receive temporary schedule changes in certain emergency circumstances, the department may impose a penalty of up to $500 for the first violation and, for subsequent violations that occur within two years of any previous violation, up to $750 for the second violation and up to $1,000 for each succeeding violation.

e. For each violation of subchapter 6 of this chapter relating to the regulation of on-call scheduling, the department may impose a penalty of up to $500 for the first violation and, for subsequent violations that occur within one year of any previous violation, not less than $750 for the second violation and not less than $1,000 for each succeeding violation.

§ 20-1212 Additional enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1208 to 20-1211, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 20-1213 Private cause of action a. Statute of limitations. Any person claiming to be aggrieved by a violation of this chapter may bring a cause of action within two years of the date the person knew or should have known of the alleged violation in any court of competent jurisdiction. An organization that represents the rights of workers has standing to bring an action on behalf of such a person.

b. Remedies. Such court has authority to order compensatory, injunctive and declaratory relief and shall award the following remedies for violations of this chapter:

1. Payment of schedule change premiums withheld in violation of section 20-1222;

2. Payment required for a violation of section 20-1231;

3. Payment of $200 for each violation of sections 20-1252 to 20-1254;

4. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1206, 20-1207 and 20-1221, and the requirements set forth section 20-1231 and 20-1241;

3. Rescission of any discipline issued in violation of section 20-1205;

4. Reinstatement of any employee terminated in violation of section 20-1205;

5. Payment of back pay for any loss of pay resulting from discipline or other action taken in violation of section 20-1205;

6. Other compensatory damages and any other relief required to make the employee whole; and

7. Reasonable attorney's fees.

c. Relationship to department action. 1. Any person filing such a cause of action must simultaneously serve notice of any civil action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An employee need not file a complaint with the department before bringing a civil action, however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an employee does not preclude the department from investigating the employer, or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

§ 20-1214 Civil action for pattern or practice of violations. a. Cause of action. 1. Where reasonable cause exists to believe that an employer is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. An action pursuant to paragraph 1 of this subdivision shall be commenced by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief.

3. Nothing in this section prohibits:

(a) The department from exercising its powers outlined in section 20-1208 to 20-1212, unless otherwise barred from doing so.

(b) A person alleging a violation of this subchapter from filing a civil action pursuant to section 20-1213 based on the same facts as a civil action commenced by the corporation counsel pursuant to this section.

b. Civil penalty. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than $15,000 for a finding that a an employer has engaged in a pattern or practice of violations of this subchapter. Any civil penalty so recovered shall be paid into the general fund of the city.

Subchapter 2
Advance Scheduling and Schedule Change Premiums

§ 20-1221 Advance scheduling. a. Upon hiring and before a new fast food employee receives the first work schedule, a fast food employer shall provide each such employee with a good faith estimate. If a long-term or indefinite change is made to the good faith estimate provided pursuant to this paragraph, the fast food employer shall provide an updated good faith estimate to the affected employee as soon as possible and before the employee receives the first work schedule.

b. A fast food employer shall provide a fast food employee with a written work schedule containing regular and on-call shifts no later than 14 days before the first day of that schedule. Such work schedule must span a period of no less than seven days. At least 51 percent of the employee's shifts in the written schedule must be regular shifts, except that changes to the regular or on-call shifts that meet the requirements of subdivision d of this section and of section 20-1222 shall be permitted.

c. A fast food employer shall:

1. Provide fast food employees with notice of the work schedule for each period of no less than seven days at least 14 days in advance by (i) posting the schedule 14 days before the first day of the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule by electronic means, if such means are regularly used to communicate scheduling information, so long as all employees are given access to the electronic schedule at the workplace;

2. Update such schedule within 24 hours of any change and provide the revised written schedule to the employee.

3. Upon request by any fast food employee, provide the employee with such employee's work schedule in writing for any previous week worked and the most current version of all such employee's work schedules at that location, whether or not changes to the work schedule have been posted.

d. A fast food employee may decline to work additional hours not included in the initial written work schedule. When a fast food employee consents to work such hours, consent must be recorded in writing, which may be transmitted electronically at or before the start of the shift. The fast food employer must contact the employee to notify such employee of the addition to the employee's schedule of work hours not included in the initial written work schedule before the change takes effect.

§ 20-1222 Schedule change premium. a. A fast food employer shall provide a fast food employee with the following amount per shift for each previously scheduled regular or on-call shift established pursuant to the written work schedule required by this subchapter that the employer changes or cancels in the employee's work schedule, in addition to the employee's regular pay for shifts actually worked by the employee:

1. With less than 14 days' notice to the employee, $15 for each shift to which additional hours are added pursuant to subdivision c of section 20-1222, or for which the date or start or end time of a shift is changed with no loss of hours;

2. With less than 14 days' but at least 24 hours' notice to the employee, $45 for each instance in which hours are subtracted from a shift or a shift is cancelled; and

3. With less than 24 hours' notice to the employee, $75 for each instance in which hours are subtracted from a shift or a shift is cancelled.

b. A fast food employer shall pay the non-wage schedule change premiums required under this chapter at such time as the employer pays an employee wages owed for work performed during that work week. Schedule change premium pay shall be separately noted on a wage stub provided to the employee for that pay period.

c. Notwithstanding subdivisions a and b of this section, a fast food employer is not required to provide a fast food employee with the amounts set forth in such subdivisions in the event that:

1. The employer's operations cannot begin or continue due to:

(a) Threats to the employees or the employer's property;

(b) The failure of public utilities, including a power failure, or the shutdown of public transportation;

(c) A fire, flood or other natural disaster;

(d) A state of emergency declared by the president of the United States, governor of the state of New York, or mayor of the city;

2. The employee requested in writing a change in schedule or traded shifts with another employee; or

3. The employer is required to pay the employee overtime pay for a changed shift.

§ 4. Sections 20-950 to 20-966 of the administrative code of the city of New York, as added by local law number 57 for the year 1997, subdivision l of section 20-950 as amended by local law 27 for the year 1998, are amended to read as follows:

§ [20-950] *20-9001* Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

a. "Affiliate" shall mean (i) a business entity in which twenty-five percent or more is owned, or is subject to a power or right of control or a power to vote, or is managed by, a shipboard gambling business, or (ii) a business entity that owns twenty-five percent or more of a shipboard gambling business, or that exercises a power or right of control or a power to vote over twenty-five percent or more of a shipboard gambling business, or that manages a shipboard gambling business.

b. "Applicant" shall mean, if a business entity submitting an application for a license pursuant to this chapter, the entity and each principal thereof; if an individual submitting an application for a license, certificate of approval or registration pursuant to this chapter, such individual.

c. "Business entity" shall mean a corporation, partnership, limited liability company, individual or sole proprietorship.

d. "Certificate of approval" shall mean a certificate issued by the commission pursuant to the provisions of this chapter approving the employment in a shipboard gambling business of a gambling employee or agent.

e. "Commission" shall mean the New York city gambling control commission established pursuant to section [20-951] *20-9002* of this chapter.

f. "Gambling" shall mean any contest, game, gaming scheme or other activity in which a person stakes or risks something of value upon the outcome of a contest involving an element of chance or a future contingent event not under his or her control or influence, upon the understanding that he or she will receive something of value in the event of a certain outcome.

g. "Gambling device" shall mean a slot machine or any other machine or mechanical device which when operated may deliver or entitle a person to receive, as the result of the application of an element of chance, any money or property.

h. "Gambling employee or agent" shall mean a person employed in a shipboard gambling business who is not a key employee or agent and whose duties include (i) the conduct, operation or facilitation of gambling, whether or not involving the use of a gambling device; or (ii) the repair or maintenance of a gambling device. "Gambling employee or agent" shall include, but not be limited to, boxmen, dealers or croupiers, floormen, gambling machine mechanics, casino security personnel, count room personnel, cage personnel, slot machine and slot booth personnel, collection personnel, casino surveillance personnel and data processing personnel. "Gambling employee or agent" may also include any other category of persons identified by rule of the commission whose duties require regular presence in the area or areas of a vessel in which gambling takes place or for whom the commission determines a certificate of approval is appropriate and necessary to effectuate the purposes of this chapter. The job categories specified in such rule shall not include categories of

employees, without limitation, such as kitchen personnel, food and beverage servers or vessel's crew, that are not involved in gambling operations.

i. "Key employee or agents" shall mean a person employed in a shipboard gambling business in a supervisory or managerial capacity or empowered to make discretionary decisions regarding such business, including, but not limited to, pit bosses, shift bosses, credit executives, casino cashier supervisors, casino facility managers and assistant managers and managers or supervisors of gambling employees or agents. Key employees shall also include any other category of persons identified by rule of the commission for which the commission determines licensure as a key employee is appropriate and necessary to effectuate the purposes of this chapter.

j. "License" shall mean a shipboard gambling license, a key employee license or a key vendor license issued by the commission pursuant to the provisions of this chapter.

k. "Parent business" or "parent business entity" shall mean a business entity that owns fifty percent or more of another business entity, or that has a power or right of control or power to vote over fifty percent or more of such business entity, or that manages such other business entity.

i. "Principal" shall mean, of a sole proprietorship, the proprietor; of a corporation, every officer and director and every stockholder holding ten percent or more of the outstanding shares of the corporation; of a partnership, all the partners; if another type of business entity, the chief operating officer or chief executive officer, irrespective of organizational title, and all persons or entities having an ownership interest of ten percent or more. Where a partner or stockholder holding ten percent or more of the outstanding shares of a corporation is itself a partnership or a corporation, the term "principal" shall also include the partners of such partnership or the officers, directors and stockholders holding the equivalent of ten percent or more ownership interest of the applicant business. For the purposes of this chapter: (1) an individual shall be considered to hold stock in a corporation where such individual participates in the operation of or has a beneficial interest in such corporation and such stock is owned directly or indirectly by or for (i) such individual, (ii) the spouse or domestic partner of such individual (other than a spouse who is legally separated from such individual pursuant to a judicial decree or an agreement cognizable under the laws of the state in which such individual is domiciled), (iii) the children, grandchildren and parents of such individual or (iv) a corporation in which any of such individual, the spouse, domestic partner, children, grandchildren or parents of such individual in the aggregate own fifty percent or more in value of the stock of such corporation; (2) a partnership shall be considered to hold stock in a corporation where such stock is owned, directly or indirectly, by or for a partner in such partnership; and (3) a corporation shall be considered to hold stock in a corporation that is an applicant as defined in this section where such corporation holds fifty percent or more in value of the stock of a third corporation that holds stock in the applicant corporation. Notwithstanding any other provision of this subdivision, where there is reasonable cause to believe that any owner, officer or director of a business entity with an interest in an applicant business not otherwise within the scope of this subdivision lacks good character, honesty and integrity, the commission may designate such person as a principal for the purposes of sections [20-954, 20-955, 20-956 and 20-959 of this chapter] *20-9005, 20-9006, 20-9007 and 20-9010*.

m. "Registrant" shall mean a service employee or agent or an auxiliary vendor who has registered with the commission pursuant to the provisions of this chapter.

n. "Service employee or agent" shall mean a person employed in a shipboard gambling business who is not a key employee or agent or a gambling employee or agent.

o. "Shipboard gambling business" shall mean a business in which passengers are transported for the purpose of participating in gambling outside the territorial waters of the United States from a location within New York city and returned to a location within such city; provided that a business shall not be deemed a shipboard gambling business for purposes of this chapter where the gambling cruises or the gambling activities aboard such cruises operated by or on behalf of such business are conducted or proposed to be conducted no more than two times a year or every cruise operated by such business during which gambling activities occur is of at least seventy-two hours duration or where the commission determines, in its discretion, that the gambling offered aboard a vessel owned or operated by such business does not constitute a primary activity conducted aboard such vessel. In reaching a determination that gambling does not constitute a primary activity, the commission shall consider, without limitation, factors including: the passenger capacity of the vessel in relation to the number of gaming positions in the areas in which gambling will occur; the percentage of space devoted to public accommodation in which gambling will occur; the number of hours during which gambling

will take place in relation to the total time of the cruise; and the nature of the advertising and other customer solicitation engaged in by the business.

p. "Subsidiary" shall mean any business that is managed by another business entity or any business in which fifty percent or more of the business is owned or in which fifty percent or more of the business is subject to a power or right of control or held with power to vote by another business entity.

q. "Vendor" shall mean any business, except for a business the primary function of which is to provide legal or accounting services or that is required to register as a lobbyist pursuant to section 3-213 of the code or pursuant to the New York state lobbying act (enacted by chapter 1040 of the laws of 1981, as amended) that provides a shipboard gambling business with goods or services used in the operation of such business. "Key vendor" shall mean a vendor, in a category identified by rule of the commission, that furnishes goods or services related to the security operations, gambling operations, gambling equipment, the hiring, supervision or training of gambling employees or agents, the provision of alcoholic beverages, and the provision of food or food services the cost of which exceeds an amount to be set forth by rule of the commission. "Auxiliary vendor" shall mean a vendor, other than a key vendor, that furnishes goods or services to a shipboard gambling business, the cost of which goods or services exceeds an amount to be established for each category of such vendor by rule of the commission, related to maintenance of a vessel or facilities or equipment aboard a vessel, food or non-alcoholic beverages, entertainment or such other activity for which the commission determines by rule that registration is necessary or appropriate to effectuate the provisions of this chapter, provided that the commission may by rule determine that registration of a specific category of auxiliary vendor is unnecessary to achieve the purposes of this chapter. The commission shall by rule list the categories of goods and services and/or the amount of sales of such goods and services that do not require obtaining a key vendor license or an auxiliary vendor registration and may also, in its discretion, waive a requirement for a key vendor license or auxiliary vendor registration upon a determination that such license or registration is unnecessary to achieve the purposes of this chapter. In addition, the commission shall establish, by rule, a procedure whereby a shipboard gambling business may obtain temporary permission, on an expedited basis, to purchase goods or services from an unlicensed or unregistered vendor in a situation where such purchase is necessary to the operation of such business. The commission shall make provision for the issuance of licenses pursuant to sections [20-954 and 20-956 of this chapter] *20-9005 and 20-9007* to key vendors who furnish goods or services to shipboard gambling licensees and for the registration pursuant to section [20-955] *20-9006* of auxiliary vendors who furnish goods or services to shipboard gambling licensees. The commission shall maintain a list of all licensed and registered vendors and those vendors to whom a waiver has been granted and shall make such list available upon request.

§ [20-951] *20-9002* New York city gambling control commission. a. There is hereby created a New York city gambling control commission. Such commission shall consist of five members appointed by the mayor, two of whom shall be appointed after recommendation by the city council. The mayor shall appoint a chair from among the members of the commission. Each member of the commission shall be appointed for a two year term.

b. In the event of a vacancy on the commission during the term of office of a member, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

c. The members of the commission shall be compensated on a per diem basis, provided, however, that a member who holds other city office or employment shall receive only the compensation for such office or employment. The chair shall have charge of the organization of the commission and shall have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter.

§ [20-952] *20-9003* Power and duties of the commission. The commission shall be responsible for the licensing and regulation of shipboard gambling businesses. The powers and duties of the commission shall include, but not be limited to the following:

a. To issue and establish standards for the issuance, renewal, suspension and revocation of licenses, certificates of approval and registrations and waivers therefrom pursuant to this chapter; provided that the commission may by resolution delegate to the chair the authority to make individual determinations regarding the issuance, renewal, suspension and revocation of such licenses, certificates of approval and registrations and the appointment of independent auditors in accordance with the provisions of this chapter, except that a

determination to refuse to issue a license, renewal, certificate of approval or registration or to refuse to grant a waiver therefrom pursuant to this chapter shall be made only by a majority vote of the commission.

b. To investigate any matter within the jurisdiction conferred by this chapter, including, but not limited to, any matter that relates to the good character, honesty and integrity of any owner, officer or director of an applicant business entity, or affiliate or subsidiary thereof, irrespective of whether such person is a principal of such business as defined in subdivision 1 of section [20-950 of this chapter] *20-9001*, and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other documents and materials relevant to such investigation.

c. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees, the commission may request that the commissioner of any other appropriate city agency provide staff and other assistance to the commission in conducting background investigations for licenses, certificates of approval and registrations pursuant to this chapter in order that such work may be performed efficiently, within existing city resources.

d. To conduct studies or investigations into matters related to gambling in the city and other jurisdictions in order to assist the city in formulating policies relating to the regulation of shipboard gambling.

e. To establish standards for the conduct of shipboard gambling businesses.

f. To set forth requirements necessary to protect the public health, safety and welfare, including but not limited to requirements for the provision of security for patrons on shipboard or on the pier or adjacent area in coordination with appropriate law enforcement authorities, and other measures to provide for the welfare of patrons on such piers and in such areas.

g. To establish standards to protect consumers from fraudulent and misleading advertising and other solicitation of customers for shipboard gambling businesses.

h. To establish fees and promulgate rules as the commission may deem necessary and appropriate to effectuate the purposes and provisions of this chapter.

§ [20-953] *20-9004* Licenses, certificates of approval, and registration required. a. Unless otherwise provided, (i) It shall be unlawful to operate a shipboard gambling business unless such business has first obtained a shipboard gambling license from the commission.

(ii) It shall be unlawful for a shipboard gambling licensee to employ a key employee or agent unless such employee or agent has first obtained a key employee license from the commission pursuant to the provisions of this chapter.

(iii) It shall be unlawful for a shipboard gambling licensee to employ a gambling employee or agent unless such employee or agent has first obtained a certificate of approval from the commission pursuant to the provisions of this chapter.

(iv) It shall be unlawful for a shipboard gambling licensee to employ a service employee or agent unless such employee or agent has first registered with the commission pursuant to the provisions of this chapter.

(v) It shall be unlawful for a shipboard gambling licensee to purchase goods or services from a key vendor or an auxiliary vendor unless such vendor has first obtained a key vendor license or has registered with the commission, whichever is appropriate.

b. A license, certificate of approval or registration issued pursuant to this chapter or any rule promulgated hereunder shall not be transferred or assigned or used by any person or entity other than the licensee, holder of a certificate of approval or registrant to whom it was issued.

c. A license, certificate of approval or registration issued pursuant to this chapter shall be valid for a period of two years and shall, upon proper application for renewal pursuant to rule of the commission setting forth an expeditious procedure for the updating and review of the information required to be submitted by the applicant, be renewable for two year periods thereafter, except that the renewal period for a shipboard gambling license shall be for one year for each of the first two renewal periods succeeding the initial issuance of such license, and thereafter for two years.

d. The commission shall promulgate rules establishing the fees and the manner of payment of fees for any investigation, license, certificate of approval or registration required by this chapter in an amount sufficient to compensate the city for the administrative expense of conducting investigations and issuing or renewing a license, certificate of approval or registration and the expense of inspections and other activities related thereto.

§ [20-954] *20-9005* License application; application for certificate of approval. a. An applicant for a license or certificate of approval pursuant to this chapter shall submit an application in the form and containing the information prescribed by the commission. An application for a license shall be accompanied by: (i) in the case of any applicant business, a list of the names and addresses of all principals of such business, and, in the case of a shipboard gambling business, all key employees employed or proposed to be employed in the business; and (ii) in the case of a shipboard gambling business, a list of the names of all key and auxiliary vendors and prospective and anticipated key and auxiliary vendors and the names and job titles of all gambling and service employees and agents, prospective gambling and service employees and agents of the applicant business who are or who the applicant proposes to be engaged in the operation of the shipboard gambling business; (iii) such other information as the commission shall determine by rule will properly identify employees and agents and prospective employees and agents; (iv) in the case of a shipboard gambling business, a description, accompanied by diagrams where appropriate, detailing the provisions that will be made by the applicant for security and other measures prescribed for the welfare of patrons by rule of the commission; (v) in the case of a shipboard gambling business, a description of the financial capacity and cash management system of the shipboard gambling business demonstrating the ability of such business to maintain and operate the business responsibly and to provide payment to patrons; and (vi) a form signed by each applicant authorizing the release to the city of financial and other information required by the commission and waiving any claims against the city that might arise in connection with the investigation of the applicant or the release of any information resulting from such investigation to other appropriate government officials.

b. i. An applicant for a license or a certificate of approval shall be fingerprinted by a person designated for such purpose by the commission, the department of investigation or the police department and pay a fee to be submitted to the division of criminal justice services and/or the federal bureau of investigation for the purposes of obtaining criminal history records.

ii. An applicant for a license or a certificate of approval shall provide to the commission, upon a form prescribed by the commission and subject to such minimum dollar thresholds and other reporting requirements set forth on such form, information for the purpose of enabling the commission to determine the good character, honesty and integrity of the applicant, including but not limited to: (a) a listing of the names and addresses of any person having a beneficial interest in an applicant business, and the amount and nature of such interest; (b) a listing of the amounts in which such applicant is indebted, including mortgages on real property, and the names and addresses of all persons to whom such debts are owed; (c) a listing of such applicant's real property holdings or mortgage or other interest in real property held by such applicant other than a primary residence and the names and addresses of all co-owners of such interest; (d) the name and address of any business in which such applicant holds an equity or debt interest, excluding any interest in publicly traded stocks or bonds; (e) the names and addresses of all persons or entities from whom an applicant has received gifts valued at more than one thousand dollars in any of the past three years, and the name of all persons or entities excluding any organization recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code to whom the applicant has given such gifts in any of the past three years; (f) a listing of all criminal convictions, in any jurisdiction, of the applicant; (g) a listing of all pending civil or criminal actions to which the applicant knows or should have known that he or she is a party; (h) a listing of any determination by a federal, state or city regulatory agency of a violation by the applicant of statutes, laws, rules or regulations relating to the applicant's conduct where such violation has resulted in the suspension or revocation of a permit, license or other permission required in connection with the operation of a business or in a civil fine, penalty, settlement or injunctive relief in excess of threshold amounts or of a type established by the commission; (i) a listing of any criminal or civil investigation by a federal, state, or local prosecutorial agency, investigative agency or regulatory agency, in the five year period preceding the application, wherein such applicant: (A) knew or should have known that the applicant was the subject of such investigation, or (B) has received a subpoena requiring the production of documents or information in connection with such investigation; (j) a certification that an applicant business has paid all federal, state, and local income taxes related to the applicant's business for which the applicant is responsible for the three tax years preceding the date of the application or documentation that the applicant is contesting such taxes in a pending judicial or administrative proceeding; (k) a listing of any license, permit or other permission held by the applicant to engage in any capacity in a gambling business or activity in any jurisdiction; (l) a listing of any denials to the applicant by any jurisdiction of a license, permit or other permission to engage in any capacity in

a gambling business or activity; and (m) such additional information concerning the sources and nature of funding of an applicant business and the good character, honesty and integrity of applicants that the commission may deem appropriate and reasonable. An applicant may submit any additional information that the applicant believes demonstrates the applicant's good character, honesty and integrity, including a licensing determination from another jurisdiction. Notwithstanding any provision of this subdivision, an applicant for a certificate of approval shall not be required to submit information described in subparagraphs (a) and (m) of this paragraph or any other information the commission determines is not necessary or appropriate. An applicant may also submit to the commission any material or explanation which the applicant believes demonstrates that any information submitted pursuant to this paragraph does not reflect adversely upon the applicant's good character, honesty and integrity. The commission may require that applicants pay fees to cover the expenses of fingerprinting and background investigations provided for in this subdivision.

iii. In the case of a shipboard gambling business, the commission may also require that an applicant submit any or all of the information required by this paragraph with respect to any affiliate or subsidiary of the applicant that owns or operates a business in any jurisdiction.

iv. Notwithstanding any provision of this chapter, for purposes of this section in the case of an applicant shipboard gambling business that has a parent business entity: (A) fingerprinting and disclosure under this section shall be required of any person acting for or on behalf of the parent business who has direct management or supervisory responsibility for the operations or performance of the applicant; (B) the chief executive officer, chief operating officer and chief financial officer, or any other person exercising comparable responsibilities and functions, of any subsidiary or affiliate of such parent business entity over which any person subject to fingerprinting and disclosure under subparagraph (A) of this paragraph exercises similar responsibilities shall be fingerprinted and shall submit the information required pursuant to subparagraphs (f) and (g) of paragraph ii of this subdivision, as well as such additional information pursuant to this paragraph as the commission may find necessary; and (C) the listing specified under subparagraph (i) of paragraph ii of this subdivision shall also be provided for any subsidiary or affiliate of the parent business entity for which fingerprinting and disclosure by principals thereof is made pursuant to (B) of this paragraph.

v. The chief executive officer, chief operating officer and chief financial officer, or any other person exercising comparable responsibilities and functions, of any subsidiary or affiliate of a shipboard gambling business shall be fingerprinted and shall submit the information required pursuant to subparagraphs (f), (g) and (i) of paragraph ii of this subdivision, as well as such other information pursuant to this paragraph that the commission may find necessary.

c. A business required to be licensed pursuant to this chapter shall inform the commission, within a reasonable time, of any changes in the ownership composition of such business, the addition or deletion of any principal at any time subsequent to the issuance of the license, the arrest or criminal conviction of any principal of the business, or any other material change in the information submitted on the application for a license. A business required to be licensed shall provide the commission with notice of at least ten business days of the proposed addition of a new principal to such business. The commission may waive or shorten such period upon a showing that there exists a bona fide business requirement therefor. Except where the commission determines within such period, based upon information available to it, that the addition of such new principal may have a result inimical to the purposes of this chapter, the licensee may add such new principal pending the completion of review by the commission. The licensee shall be afforded an opportunity to demonstrate to the commission that the addition of such new principal pending completion of such review would not have a result inimical to the purposes of this chapter. If upon the completion of such review, the commission determines that such principal has not demonstrated that he or she possesses good character, honesty and integrity, the license shall cease to be valid unless such principal divests his or her interest, or discontinues his or her involvement in the business of such licensee, as the case may be, within a reasonable time period prescribed by the commission.

d. Each applicant business shall provide the commission with a business address in New York city where notices may be delivered and legal process served and shall designate a person of suitable age and discretion at such address who shall be an agent for service of process.

§ [20-955] *20-9006* Registration application; application for renewal. a. An applicant for registration or renewal pursuant to this chapter shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify and establish the

background of such applicant. The commission may refuse to register or to renew the registration of an applicant who has knowingly failed to provide the information and/or documentation required by such form, or who has knowingly provided false information or documentation, required by this chapter or any rule promulgated pursuant hereto.

b. Notwithstanding any other provision of this chapter: (i) the commission may, where there is reasonable cause to believe that an applicant has not demonstrated to the commission that he or she possesses good character, honesty and integrity, require that such applicant be fingerprinted and provide to the commission the information set forth in subdivisions a and b of section [20-954 of this chapter] *20-9005* and may, after notice and the opportunity to be heard, refuse to register such applicant for the reasons set forth in subdivision a of section [20-956 of this chapter] *20-9007*; and

(ii) if at any time subsequent to registration, the commission has reasonable cause to believe that the registrant lacks good character, honesty and integrity, the commission may require that such registrant be fingerprinted and provide the background information required by subdivision b of section [20-954 of this chapter] *20-9005* and may, after notice and the opportunity to be heard, revoke the registration for the reasons set forth in subdivision a of section [20-956 of this chapter] *20-9007*.

§ [20-956] *20-9007* Refusal to issue or renew a license or certificate of approval. a. The commission shall refuse to issue or to renew a license to an applicant who has not demonstrated to the commission that he or she possesses good character, honesty and integrity. In determining that an applicant has not met his or her burden to demonstrate good character, honesty and integrity, the commission may consider, but is not limited to: (i) knowing failure by such applicant to provide truthful or complete information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal to issue such license or certificate of approval, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license or certificate of approval is sought, in which case the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section [seven hundred fifty-three] *753* of the correction law, would provide a basis under such law for the refusal of such license or certificate of approval; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business or to perform the employment for which the license or certificate of approval is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted for a racketeering activity when the applicant knew or should have known of such conviction, including but not limited to the offenses listed in subdivision one of section [nineteen hundred sixty-one] *1961* of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) conviction of a gambling offense under 18 U.S.C. § 1081 et seq., 18 U.S.C. §§ 1953 through 1955, article 225 of the penal law or the equivalent offense under the laws of any other jurisdiction; (vii) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (viii) in the case of an applicant business, failure to pay any tax, fine, penalty, fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction and such judgment has not been stayed; and (ix) denial of a license or other permission to operate a gambling business or activity in another jurisdiction. For purposes of determining the good character, honesty and integrity of applicants for registration or registrants pursuant to section [20-955 of this chapter] *20-9006*, the term "applicant" as used herein shall be deemed to apply to such applicants for registration or registrants.

b. The commission may refuse to issue or to renew a certificate of approval to an applicant who has not demonstrated that he or she possesses good character, honesty and integrity. In reaching such a determination, the commission may consider, but is not limited to, the factors set forth in paragraphs (i) through (ix) of subdivision a of this section.

c. The commission may refuse to issue or to renew a license or certificate of approval to an applicant who has knowingly failed to provide the information and/or documentation required in the form prescribed by the

commission pursuant to section [20-954 of this chapter] *20-9005*, or who has knowingly provided false information or documentation required by the commission pursuant to this chapter or any rules promulgated pursuant hereto.

d. The commission may refuse to issue or to renew a license or certificate of approval to an applicant when such applicant: (i) was previously issued a license or certificate of approval pursuant to this chapter and such license or certificate of approval was revoked pursuant to the provisions of this chapter; or (ii) has been determined to have committed any of the acts which would be a basis for the suspension or revocation of a license or certificate of approval pursuant to this chapter or any rules promulgated hereto.

e. The commission may refuse to issue or to renew a license pursuant to this chapter to an applicant business where such applicant business or any of the principals of such applicant business have been principals of a licensee whose license has been revoked pursuant to subdivision a of section [20-959 of this chapter] *20-9010*.

§ [20-957] *20-9008* Independent auditing required. a. The commission may, in the event the background investigation conducted pursuant to section [20-954 of this chapter] *20-9005* produces adverse information, require as a condition of a shipboard gambling license that the licensee enter into a contract with an independent auditor, approved or selected by the commission. Such contract, the cost of which shall be paid by the licensee, shall provide that the auditor investigate the activities of the licensee with respect to the licensee's compliance with the provisions of this chapter, other applicable federal, state and local laws and such other matters as the commission shall determine by rule. The contract shall provide further that the auditor report the findings of such monitoring and investigation to the commission on a periodic basis.

b. The commission shall be authorized to prescribe, in any contract required by the commission pursuant to this section, such reasonable terms and conditions as the commission deems necessary to effectuate the purposes of this chapter.

§ [20-958] *20-9009* Investigations by the department of investigation or police department. In addition to any other investigation authorized pursuant to law, the commissioner of the department of investigation or the police commissioner shall, at the request of the commission, conduct a study or investigation of any matter arising under the provisions of this chapter, including but not limited to investigation of the information required to be submitted by applicants for licenses, certificates of approval and registration and the ongoing conduct of licensees, holders of certificates of approval and registrants.

§ [20-959] *20-9010* Revocation or suspension of license, certificate of approval or registration. a. In addition to the penalties provided in section [20-960 of this chapter] *20-9011*, the commission may, after notice and opportunity to be heard, revoke or suspend a license, certificate of approval or registration issued pursuant to the provisions of this chapter when the licensee or a principal, employee or agent of a licensee, a holder of a certificate of approval or a registrant: (i) has been found to be in violation of this chapter or any rules promulgated hereunder; (ii) has repeatedly failed to obey the lawful orders of any person authorized to enforce the provisions of this chapter; (iii) has failed to pay, within the time specified by a court, the commission or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant hereto; (iv) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section [20-956 of this chapter] *20-9007*, that the licensee, holder of a certificate of approval or registrant lacks good character, honesty and integrity or lacks the financial capacity to maintain and operate the business responsibly in a manner that will ensure the immediate payment to patrons; (v) whenever there has knowingly been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license, certificate of approval or registration was based; or (vi) whenever a licensee has failed to notify the commission as required by subdivision c of section [20-954 of this chapter] *20-9005* of any change in the ownership interest of the business or any other material change in the information required on the application for such license, or of the arrest or criminal conviction of a principal of such licensee or any of its employees or agents of which the licensee had knowledge or should have known.

b. Notwithstanding any other provision of this chapter or rules promulgated thereto, the commission may, upon a determination that the operation of a shipboard gambling business or the conduct of an employee of such business creates an imminent danger to life or property, immediately suspend the license of such business or the certificate of approval or registration of such employee without a prior hearing, provided that provision

shall be made for an immediate appeal of such suspension to the chair of the commission who shall determine such appeal forthwith. In the event that the chair upholds the suspension, an opportunity for a hearing shall be provided on an expedited basis, within a period not to exceed four business days and the commission shall issue a final determination no later than four days following the conclusion of such hearing.

§ [20-960] *20-9011* Penalties. In addition to any other penalty provided by law: a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction;

b. Any person who violates subdivision a of section [20-953 of this chapter] *20-9004* shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; and

c. (i) In the event that a shipboard gambling business has violated subdivision f of section [20-963 of this chapter] *20-9014*, the commission, in addition to any other penalty prescribed in this section, shall, after providing notice and the opportunity to be heard, be authorized to order that any gambling device or other gambling equipment used in the violation of such subdivision shall be removed, sealed or otherwise made inoperable. An order pursuant to this paragraph shall be posted on the vessel on which such violation occurs. The commission shall take reasonable measures to provide notice to a person(s) holding a security interest(s) in a gambling device or gambling equipment with respect to which action is taken pursuant to this section.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section [20-962 of this chapter] *20-9013*.

(iii) Any gambling device or gambling equipment removed pursuant to the provisions of this subdivision shall be stored at a dock or in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A gambling device or gambling equipment sealed or otherwise made inoperable or removed pursuant to this subdivision shall be unsealed, restored to operability or released upon payment of all outstanding fines and all reasonable costs for removal and storage and upon demonstration satisfactory to the commission that the provisions of subdivision f of section [20-963] *20-9014* will be complied with in all respects.

(v) It shall be a misdemeanor for any person to remove the seal from or make operable any gambling device or gambling equipment sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A gambling device or gambling equipment removed pursuant to this subdivision that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least ten business days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

d. The corporation counsel is authorized to commence a civil action on behalf of the city for injunctive relief to restrain or enjoin any activity in violation of this chapter and for civil penalties.

§ [20-961] *20-9012* Liability for violations. A shipboard gambling business required by this chapter to be licensed shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its principals acting within the scope of such business and any of its employees and/or agents within the scope of their employment.

§ [20-962] *20-9013* Enforcement. Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission or the police department. In addition, such notices of violation may, at the request of the commission and with the consent of the appropriate commissioner, be issued by authorized employees and agents of the department of consumer affairs or the department of investigation.

§ [20-963] *20-9014* Conduct of shipboard gambling licensees. a. A shipboard gambling licensee shall be in compliance with all applicable federal, state and local statutes, laws, rules and regulations governing operation of a shipboard gambling business, including but not limited to: (i) specifications for design and construction, equipment required to be present on board such vessel, maintenance, inspection, documentation, operation and licensing of such vessels; requirements for the medical fitness, training and other qualifications, drug testing and licensing of the crew of such vessels; environmental requirements; requirements regarding safety and conditions of employment on such vessel; and requirements for accessibility under the Americans with Disabilities Act and any regulations promulgated pursuant thereto, as such regulations may from time to time be amended and analogous provisions of title eight of this code;

(ii) prohibitions of gambling activity or the use of gambling devices within the territorial waters of the United States or the state of New York;

(iii) applicable zoning and building code requirements;

(iv) requirements governing the service and provision of food and alcoholic beverages within the territorial waters of the state of New York; and

(v) health and sanitary regulations.

b. A shipboard gambling licensee shall maintain audited financial statements, records, ledgers, receipts, bills and such other records as the commission determines are necessary or useful for carrying out the purposes of this chapter. Such records shall be maintained for a period of time not to exceed five years to be determined by rule of the commission, provided, however, that such rule may provide that the commission may, in its discretion, require that records be retained for a period of time exceeding five years. Such records shall be made available for inspection and audit by the commission at its request and, at the option of the commission, at either the licensee's place of business or at the offices of the commission.

c. A shipboard gambling licensee shall maintain liability and other insurance as prescribed by rule of the commission.

d. A shipboard gambling licensee shall, in accordance with rules of the commission, institute and maintain security and safety measures and shall provide and maintain such other public services for the welfare of patrons required by such rules.

e. A shipboard gambling licensee shall, upon request by a passenger who does not wish to leave the vessel carrying cash on his or her person, provide payment of winnings by check.

f. A shipboard gambling licensee shall ensure, by means acceptable to the commission and the department of investigation, that all gambling devices and gambling equipment on board the vessel are secured or made inoperable during any period the vessel is in the territorial waters of New York and shall comply with all rules promulgated by the commission regarding the maintenance, safeguarding and storage of gambling devices.

g. A shipboard gambling licensee shall adopt measures to ensure that persons under eighteen years of age do not engage in gambling aboard a vessel operated by or on behalf of such licensee.

h. All advertising by a shipboard gambling licensee shall prominently state the age restrictions for engaging in gambling aboard the vessel, and shall comply with all rules governing advertising promulgated by the commission.

i. A shipboard gambling licensee shall provide access to the vessel(s) operated by or on behalf of the shipboard gambling business to any person authorized by section [20-962 of this chapter] *20-9013* to enforce the provisions of this chapter including, but not limited to, regular and permanent access by any person assigned to such vessel by an agency authorized to enforce the provisions of this chapter.

j. A shipboard gambling licensee shall not purchase goods or services from a key vendor or an auxiliary vendor unless such vendor has first obtained a license from or registered with the commission, whichever is applicable, unless the shipboard gambling licensee has obtained permission from the commission as provided by rule of the commission pursuant to subdivision q of section [20-950 of this chapter] *20-9001* or the key vendor or auxiliary vendor has been granted a waiver pursuant to such subdivision.

k. (i) A shipboard gambling licensee shall not employ any person required to obtain a license, certificate of approval or to register pursuant to the provisions of this chapter unless such person has obtained such license, certificate of approval or registration; provided, however, that the commission shall, by rule, make provision for temporary permission for employment pending completion by the commission of review of an applicant for a certificate of approval or registration and may, in its discretion, permit the employment of a key employee

who has not obtained the required license where the employment of such person is necessary for the operation of the shipboard gambling business.

(ii) The commission may, upon the request of a shipboard gambling business, make available the names of applicants for employment who have been approved for licenses, certificates of approval or registrations.

l. A shipboard gambling licensee shall demonstrate and ensure for each vessel operated by or on behalf of such licensee, irrespective of the size of the vessel, that (i) every crew member required by the certificate of inspection issued for each such vessel by the United States coast guard or the analogous document issued pursuant to the international convention for the safety of lives at sea meets all marine personnel requirements set forth in such certificate or document and holds the applicable documentation, (ii) at least sixty-five percent of the required number of crew actually manning the vessel, as set forth in the certificate of inspection issued for each such vessel by the United States coast guard or the analogous document issued pursuant to the international convention for the safety of lives at sea, exclusive of those required to be licensed by the United States coast guard or the international maritime organization, have merchant mariners' documents endorsed for a rating of at least able seaman or the international maritime equivalent, and (iii) every person employed on each such vessel has received familiarization training consistent with the standards regarding emergency occupational safety, medical care and survival functions set forth in the seafarer's training, certification and watchkeeping code.

m. A shipboard gambling licensee shall comply with all additional rules governing conduct of a shipboard gambling business promulgated by the commission in order to effectuate the purposes of this chapter.

§ [20-964] *20-9015* Rules. The commission may promulgate such rules as it may deem necessary or useful to effectuate the purposes of this chapter.

§ [20-965] *20-9016* Hearings. a. A hearing pursuant to this chapter may be conducted by the commission, or, in the discretion of the commission, by an administrative law judge employed by the office of administrative trials and hearings or other administrative tribunal of competent jurisdiction. Where a hearing pursuant to a provision of this chapter is conducted by an administrative law judge, such judge shall submit recommended findings of fact and a recommended decision to the commission, which shall make the final determination.

b. Notwithstanding the provisions of subdivision a of this section, the commission may provide by rule that hearings or specified categories of hearings pursuant to this subchapter may be conducted by the department of consumer affairs. Where the department of consumer affairs conducts such hearings, the commissioner of consumer affairs shall make the final determination.

§ [20-966] *20-9017* Reporting requirements. a. No later than one week following the submission of the mayor's management report, the commission shall submit to the council a report detailing its activities pursuant to this chapter for the period covered by the mayor's management report. The report required by this section shall at a minimum include:

i. the number of applicants for a license, certificate of approval or registration that were denied by the commission and a statement of the reasons for such denials;

ii. the number of licenses, certificates of approval and registrations issued by the commission;

iii. the number of applications for licenses, certificates of approval or registrations, respectively, presently pending;

iv. the number of licenses, certificates of approval and registrations that have been suspended or revoked by the commission pursuant to section [20-959 of this chapter] *20-9010*, a statement of the reasons for such suspensions and revocations, and the average duration of such suspensions;

v. the amounts, by category, of all fees relating to implementation of this chapter to which the city is entitled, the amounts actually collected, and the reasons for any difference between the two amounts; and

vi. the amounts, by category, of all expenditures relating to enforcement of the provisions of this chapter.

b. The information required by paragraphs i, ii and iv of subdivision a of this section shall identify the shipboard gambling business to which the information relates.

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of the department 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 Civil Service and Labor.

Int. No. 1397

By Council Members Matteo and Chin (by request of the Staten Island Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring any restoration of pavement made after the opening of a protected street to extend to the curb line and 20 feet on each side of such restoration

Be it enacted by the Council as follows:

Section 1. Section 19-144 of the administrative code of the city of New York, as renumbered and amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-144 Issuance of permit to open street within five years after completion of city capital construction project requiring resurfacing or reconstruction of such street. *a.* All persons having or proposing to install facilities in, on or over any street shall be responsible for reviewing the city's capital budget, capital plan and capital commitment plan. Such persons shall make provision to do any work, except emergency work, which requires the opening or use of any street prior to or during the construction of any capital project requiring resurfacing or reconstruction proposed in such budget or plan for such street. No permit to use or open any street, except for emergency work, shall be issued to any person within a five year period after the completion of the construction of a capital project set forth in such budget or plan relating to such street requiring resurfacing or reconstruction unless such person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction. Notwithstanding the foregoing provision, the commissioner of transportation may issue a permit to open a street within such five year period upon a finding of necessity therefor, subject to such conditions as the commissioner may establish by rule, which shall include appropriate guarantees against the deterioration of the restored pavement.

b. A person who opens a street pursuant to a permit issued under subdivision a of this section shall restore any removed pavement. Such restoration of pavement must extend to the curb line on both sides of the restoration and also must extend parallel to the curb line for 20 feet on each side of such restoration.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1398

By Council Members Matteo, Reynoso, Richards, Gentile and Chin.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to allowing community service as a civil penalty for dumping

Be it enacted by the Council as follows:

Section 1. Subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, is amended to read as follows:

4. Notwithstanding any other provision of law, in the conduct of an adjudication relating to a natural person accused of committing a specified violation, as defined in paragraph (b) of this subdivision, *or any other adjudication where such alternative is specifically provided by this charter or the administrative code,* an administrative law judge or a hearing officer shall offer the respondent the option to perform community service in lieu of a monetary civil penalty.

§ 2. Paragraph 3 of subdivision a of section 3-121 of the administrative code of the city of New York, as added by local law number 55 for the year 2011, is amended to read as follows:

3. "Waterfront dumping" shall mean any violation of subdivision [a] *b* of section 16-119 of this code that occurs in or upon any wharf, pier, dock, bulkhead, slip or waterway or other area, whether publicly or

privately owned, that is adjacent to any wharf, pier, dock, bulkhead, slip or waterway, and any violation of section 22-112 of this code.

§ 3. Section 16-119 of the administrative code of the city of New York, as amended by local law number 4 for the year 2010, is amended to read as follows:

§ 16-119 Dumping prohibited. *a. Definitions. For purposes of this section, the term "community service" means performing services for a public or not-for-profit corporation, association, institution or agency in lieu of payment of a monetary civil penalty. Such services may include, but are not limited to, attendance at programs, either in person or web-based, designed to benefit, improve or educate either the community or the respondent.*

[a.] *b.* It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, wharf, pier, dock, bulkhead, slip, navigable waterway or other area whether publicly or privately owned.

[b.] *c.* Any person who violates the provisions of this section shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* or by imprisonment not to exceed [ninety] *90* days or by both such fine and imprisonment.

[c.] *d.* (1) Any person who violates the provisions of subdivision [a] *b* of this section shall also be liable for a civil penalty of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* for the first offense, and not less than [five thousand dollars*] $5,000* nor more than [twenty thousand dollars] *$20,000* for each subsequent offense. In addition, every owner of a dump truck or other vehicle shall be liable for a civil penalty of not less than [one thousand five hundred dollars] *$1,500* nor more than [ten thousand dollars] *$10,000* for the first offense and not less than [five thousand dollars] *$5,000* nor more than [twenty thousand dollars] *$20,000* for each subsequent offense of unlawful dumping described in subdivision [a] *b* of this section by any person using or operating the same, in the business of such owner or otherwise, with the permission, express or implied, of such owner.

(2) Notwithstanding paragraph 1 of this subdivision, any person who violates the provisions of subdivision b of this section shall be offered the option to perform community service in lieu of a monetary penalty by an administrative law judge or a hearing officer pursuant to the procedures established in section subdivision 4 of section 1049 of the charter.

(A) The option to perform community service shall not require the payment of any fee by any person who violates the provisions of subdivision b of this section.

(B) The performance of community service offered pursuant to this subdivision shall not displace employed workers or impair existing contracts for services, nor shall the performance of any such services be required or permitted in any establishment involved in any labor strike or lockout.

(C) An administrative law judge or a hearing officer shall offer up to 70 hours of community service in lieu of payment of a civil penalty in an amount up to $3,000. Fewer hours of service shall be offered in proportion to civil penalties that are less than $3,000.

(D) If a respondent accepts the option to perform community service and an administrative law judge or hearing officer finds that the respondent has failed to perform such services within the time prescribed, an administrative law judge or hearing officer shall issue an order reinstating the applicable civil penalty and, if otherwise authorized by law, such order shall constitute a judgment that may be entered and enforced.

(E) The office of administrative trials and hearings shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subdivision, which shall include, but not be limited to, rules specifying the correspondence between the amount of service offered and the amount of civil penalties imposed.

[(2)] *(3)* Any owner, owner-operator or operator who is found in violation of this section in a proceeding before the environmental control board and who shall fail to pay the civil penalty imposed by such environmental control board shall be subject to the suspension of his or her driver's license, privilege to operate or vehicle registration or renewal thereof imposed pursuant to section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law, in addition to any other civil and criminal fines and penalties set forth in this section.

[(3)] *(4)* As used in this subdivision, the terms "owner", "owner-operator" and "operator" shall have the meaning set forth in subdivision [one] *1* of section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law.

[(4)] *(5)* The provisions of this section may also be enforced by the commissioner of small business services and the commissioner of environmental protection with respect to wharfs, piers, docks, bulkheads and slips located on waterfront property, and navigable waterways.

[d.] e. In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of subdivision [a] *b* of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which board shall have the power to impose the civil penalties hereinabove provided in subdivision [c] *d* of this section, provided further, that, notwithstanding any other provision of law, the environmental control board shall have such powers and duties as are set forth under section [twelve hundred twenty-a] *1220-a* of the vehicle and traffic law.

[e.] *f.* (1) Any dump truck or other vehicle that has been used or is being used to violate the provisions of this section shall be impounded by the department and shall not be released until either all removal charges and storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner or as otherwise provided in paragraph (2) of this subdivision. The commissioner shall have the power to establish regulations concerning the impoundment and release of vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rate thereof.

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision [c] *d* of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board three or more times, all of which violations were committed within an [eighteen] *18* month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

(3) Except as hereinafter provided, the city agency having custody of a vehicle, after judicial determination of forfeiture, shall no sooner than [thirty] *30* days after such determination upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:

(i) redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof; and

(ii) pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

(iii) asserts a claim within [thirty] *30* days after judicial determination of forfeiture. Notwithstanding the foregoing provisions establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the unlawful dumping for which the vehicle was seized was expressly or impliedly permitted by such person.

[f.] *g.* Rewards. (1) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision [a] *b* of this section based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with testimony at a civil or criminal proceeding or in a proceeding before the environmental control board, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision [a] *b* of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to:

(i) [fifty] *50* percent of any fine or civil penalty collected; or

(ii) [five hundred dollars] *$500* when a conviction is obtained, but no fine or civil penalty is imposed.

(2) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision [a] *b* of this section based upon information furnished by an individual or individuals and where the commissioner determines, in the exercise of his or her discretion, that such information, in conjunction with enforcement activity conducted by the department or another governmental entity, results in the conviction of or the

imposition of a civil penalty upon any person for a violation of subdivision [a] *b* of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is:

(i) up to [fifty] *50* percent of any fine or civil penalty collected; or

(ii) up to [five hundred dollars] *$500* when a conviction is obtained, but no fine or civil penalty is imposed.

In determining the amount of the reward, the commissioner shall consider factors that include, but are not limited to: (a) the quantity and type of the material dumped, deposited or otherwise disposed of; (b) the specificity of the information provided, including, but not limited to, the license plate number, make or model or other description of the dump truck or other vehicle alleged to have been used and the location, date or time of the alleged violation; (c) whether the information provided by the individual or individuals identified one or more violations of subdivision [a] *b* of this section; and (d) whether the department has knowledge that violations of subdivision [a] *b* of this section have previously occurred at that location.

(3) No peace officer, employee of the department or of the environmental control board, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of subdivision [a] *b* of this section shall be entitled to obtain the benefit of any such reward or obtain the benefit of such reward when acting in the discharge of his or her official duties.

[g.] *h.* In addition to the foregoing penalties the offender shall be required to clear and clean the area upon which the offender dumped unlawfully within [ten] *10* days after conviction thereof. In the event the offender fails to clear and clean the area within such time such clearing and cleaning may be done by the department or under the direction of the department by a private contractor and the cost of same shall be billed to the offender. In the event that the department has cleaned or cleared the area, or has caused the area to be cleaned or cleared by a private contractor prior to the offender's conviction, the offender shall be responsible for the cost of such clearing and or cleaning. Payment by such offender when required by this subdivision shall be made within [ten] *10* days of demand by the department.

[h.] *i.* The commissioner shall post a sign in any area where the commissioner deems appropriate because of instances of illegal dumping. Such sign shall state the penalties for illegal dumping and the reward provisions therein.

§ 3. This local law takes effect September 1, 2017.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1399

By Council Members Rose, Lander, Dromm, Cumbo, Kallos, Constantinides, Levin, Cohen, Reynoso, Levine, Rosenthal, Johnson, Salamanca, Van Bramer, Torres, Koslowitz, Lancman, Menchaca, Chin, Cabrera, Espinal, Eugene, Maisel and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a right for employees to seek flexible work arrangements and to establish a "right to receive" flexible work arrangements in certain emergency situations

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 5 to read as follows:

Subchapter 5

Right to Request Flexible Work Arrangements

§ 20-1251 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Calendar year. The term "calendar year" means a regular and consecutive 12-month period, as determined by an employer.

Caregiver. The term "caregiver" means a person who provides direct and ongoing care for a minor child or a care recipient.

Care recipient. The term "care recipient" means a person with a disability who (i) is a family member or a person who resides in the caregiver's household; and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

Caregiving emergency. The term "caregiving emergency" means an event occurring with fewer than 24 hours' notice to the employee where an employee is required to (i) provide care to a family member where the regular care provider is unavailable, (ii) help the family member to obtain emergency medical treatment, (iii) attend a legal proceeding or attend a hearing for subsistence benefits, or (iv) tend to a situation presenting imminent threat to the safety or health of the family member.

Child. The term "child" means a biological, adopted or foster child, a legal ward, or a child of a caregiver standing in loco parentis.

Family member. The term "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee's spouse or domestic partner; any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship.

Family offense matter. The term "family offense matter" means acts or threats of disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

Flexible work arrangement. The term "flexible work arrangement" means a work structure that alters the employer's regular terms and conditions of employment with respect to work schedule, duties or location. The term includes:

1. A modified work schedule;

2. Additional shifts or hours;

3. Changes in days of work or start and end times for the work day or a work shift;

4. Permission to exchange work shifts with other employees;

5. Limitations on availability;

6. Part-time employment;

7. Job sharing arrangements;

8. Working from home or another location;

9. Reductions or changes in work duties;

10. Reductions or changes in on-call shifts; and

11. Part-year employment.

Grandchild. The term "grandchild" means a child of an employee's child.

Grandparent. The term "grandparent" means a parent of an employee's parent.

Inconsistent with business operations. The term "inconsistent with business operations" means an action that would cause the employer to violate a law, statute, ordinance, code or governmental executive order; a significant and identifiable burden of additional costs to the employer; or a significant and identifiable detrimental effect on the employer's ability to meet organizational demands, including:

1. A significant inability of the employer, despite best efforts, to reorganize work among existing employees;

2. An inability to recruit additional staff;

3. A significant detrimental effect on business performance;

4. A significant inability to meet customer needs or demands;

5. Planned corporate or organizational changes to the business; or

6. A significant insufficiency of work during the periods the employee proposes to work.

Interactive process. The term "interactive process" means a timely and good faith process involving the employer and employee to assess the feasibility of a request for a flexible work arrangement to meet the employee's needs.

Minor child. The term "minor child" means a child under the age of 18.

Parent. The term "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

Personal health emergency. The term "personal health emergency" means an emergency involving the health status of the employee including, but not limited to, an acute injury or illness that requires the employee to seek emergency medical treatment.

Sexual offense. The term "sexual offense" shall mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

Sibling. The term "sibling" means an employee's brother or sister, including half-siblings, step-siblings and siblings related through adoption.

Spouse. The term "spouse" means a person to whom an employee is legally married under the laws of the state of New York.

Stalking. The term "stalking" shall mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

§ 20-1252 Notice of schedule. Except as otherwise provided by law, an employer shall provide each employee expected to work hours on a schedule determined by the employer with a work schedule in writing upon hiring that includes the number of hours, times and locations that the employee is expected to work.

§ 20-1253 Right to request a flexible working arrangement. a. 1. Except as otherwise provided by law, an employee may request a flexible work arrangement at any time, protected from retaliation by section 20-1205.

2. The employee shall put such request in writing.

3. The employee is entitled to an interactive process no more than once in each calendar quarter; but an employer may choose to engage in such process more frequently.

b. Upon receiving a written request for a flexible work arrangement, an employer must engage in an interactive process regarding the request and consider in good faith whether it can be granted, including whether proposed changes would be inconsistent with business operations. If the employer needs clarification, the employer shall explain what further information is needed and give the employee a reasonable time to produce the information. No employee has to produce information that is otherwise protected from disclosure.

c. The employer shall consider and respond to employee requests as follows:

1. The employer shall provide a written response;

2. In the event of a denial, the employer's written response shall provide an explanation for the denial and the reason for the decision, including whether the request was inconsistent with business operations.

3. The employer shall notify the employee of the decision to grant or deny the request in writing within 14 days of the request.

§ 20-1254 Right to receive a temporary change from the work schedule in the event of certain emergencies. a. An employer shall grant an employee a temporary change to the employee's work schedule relating to a caregiving emergency, personal health emergency or the employee or a family member having been the victim of a family offense matter, a sexual offense or stalking under the following circumstances:

1. The employer is only required to grant such a change four times in a calendar year and for one business day per request.

2. An employee who requires such a change:

(a) Shall notify his or her employer or direct supervisor as soon as the employee becomes aware of the need for the change;

(b) Shall notify the employer that the temporary change to the work schedule is due to caregiving emergency, personal health emergency or the employee or a family member having been the victim of a family offense matter, sexual offense or stalking;

(c) Need not put such notice in writing; and

(d) Remains protected from retaliation by section 20-1205.

b. On receiving the request, the employer shall notify the employee:

1. Of how many such temporary changes the employee has used in the calendar year, as soon as is practicable; and

2. That the requested change may be designated as and count toward leave under the federal family medical leave act; and

3. If the employee requests a change for a reason that qualifies for leave under the federal family medical leave act, whether the leave will be so designated, within five business days of receipt of the request.

d. An employee may request a change due to a personal health emergency only if the employee (i) has not yet accrued paid sick leave under applicable laws or has exhausted all available paid sick leave or (ii) paid sick leave does not otherwise apply to the situation.

e. An employee may request a change due to a caregiving emergency only (i) if the employee has not yet accrued paid sick leave under applicable laws or has exhausted all available paid sick leave or (ii) if paid sick leave does not otherwise apply to the situation.

f. No employee must produce information that is otherwise protected from disclosure.

g. If the employee has received a temporary change to the employee's work schedule for a third time in a calendar year, the employer shall notify the employee that the employee is only able to make one more temporary change for that calendar year.

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the New York city charter and the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in an introduction for the year 2016, takes effect, except that the commissioner of consumer affairs 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 Civil Service and Labor.

Int. No. 1400

By Council Members Rosenthal and Chin

A Local Law to amend the administrative code of the city of New York, in relation to the participation of minority-and women-owned business enterprises in construction projects related to properties receiving tax benefits in accordance with the industrial and commercial abatement program

Be it enacted by the Council as follows:

Section 1. Subdivisions d and e of section 11-278 of the administrative code of the city of New York, as added by local law 67 of 2008, are amended to read as follows:

d. For construction projects [between seven hundred fifty thousand dollars and one million five hundred thousand dollars] *under $750,000* in cost, the applicant shall certify that it accessed the directory. The applicant shall file such certification with the department *and the division* in conjunction with the final application for benefits along with a report of whether or not efforts were made by the applicant to include minority- and women-owned business enterprises in the construction work on property for which benefits are sought in accordance with this part, and if so, what such efforts were.

e. For construction projects [one million five hundred thousand dollars] *$750,000* in cost and over, the applicant must comply with the following requirements in order to obtain benefits under this part:

1. Subsequent to filing a preliminary application for benefits, the applicant shall inform the division of contracting and subcontracting opportunities at construction sites where the applicant will be performing construction work subject to benefits pursuant to this part. The division shall make information on such contracting and subcontracting opportunities available to the general public by posting such opportunities on its website.

2. The applicant shall review the directory to identify minority-or women-owned business enterprises that may be qualified to perform contracting or subcontracting work on construction projects subject to benefits pursuant to this part.

3. For each subcontract on the project, the applicant shall solicit or arrange for the solicitation of bids from at least three of such minority- or women-owned enterprises to perform such subcontracting work.

4. The applicant shall maintain records demonstrating its compliance with the provisions of this subdivision.

5. When filing a final application for benefits with the department, the applicant shall certify that it has complied with and will continue to comply with the provisions of this subdivision. The certification shall also include: (i) the name and contact information of every minority- or women-owned business enterprise that the applicant solicited bids from pursuant to the provisions of paragraph three of this subdivision and (ii) whether any such minority- or women-owned firm was awarded a subcontract. *The applicant shall also file such certification with the division at the time of filing the final application for benefits.*

6. An applicant awarded benefits pursuant to this part shall timely inform the division of contracting and subcontracting opportunities that may become available after the date such benefits are awarded at construction sites where the applicant will be performing construction work subject to such benefits. The division shall make information about such opportunities available to the public on its website.

§2. This local law takes effect 120 days after enactment and shall apply only to applicants that file preliminary applications for benefits with the department of finance after the effective date of this local law, except that the department of small business services and the department of finance shall take such actions as may be necessary to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Economic Development.

Res. No. 1324

Resolution calling on the City to recognize both the 75th anniversary of Pearl Harbor and the sacrifices of our military members during World War II on December 7th.

By Council Members Ulrich, Richards and Gentile.

Whereas, On December 7th, 1941, the Japanese Navy launched a surprise military strike on a United States naval base at Pearl Harbor; and

Whereas, This surprise attack, which killed more than 2,400 Americans and wounded nearly 1,800 more, shocked the American people and precipitated the United States' entry into World War II; and

Whereas, President Franklin D. Roosevelt called it "a date which will live in infamy," and the War in the Pacific did not conclude until September of 1945; and

Whereas, According to the National World War II Museum, the United States ultimately lost more than 400,000 soldiers during WWII; and

Whereas, Statistics from the Department of the Army show that the United States lost more than 100,000 soldiers in the Pacific Theater of World War II; and

Whereas, The National World War II Museum has also found that just 620,000 of the 16 million Americans who served in World War II were still alive in 2016; and

Whereas, The magnitude of the sacrifices of the Greatest Generation, as well as the fact that their numbers are dwindling with the passage of time means that recognition of their heroism remains as pertinent as ever; and

Whereas, Moreover, formal recognition of those who served our country with such distinction would reaffirm New York's commitment to its 210,000 veterans; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the City to recognize both the 75th anniversary of Pearl Harbor and the sacrifices of our military members during World War II on December 7th .

Referred to the Committee on Veterans.

Res. No. 1325

Resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would create a curriculum in public schools on the study of genocide and the Holocaust.

By Council Members Vallone, Richards and Gentile.

Whereas, The Holocaust, Nazi Germany's systematic extermination of six million European Jews between 1941 and 1945, was one of the most important events of the 20th century; and

Whereas, This extensive campaign to destroy European Jewry, which Nazi leaders referred to as "The Final Solution," had many causes, including the long history of Anti-Semitism in Europe, the unique psychological pathologies of Adolf Hitler, and the lack of organized domestic resistance toward the increasing pressures that the Nazi regime placed upon German Jews; and

Whereas, The Holocaust also prompted a substantial exodus of the Jewish people from Europe to North America. According to the United States Holocaust Memorial Museum, the aftermath of World War II saw approximately 170,000 Jews leave for Israel, and 28,000 arrive in the United States; and

Whereas, Jews were not the only victims of the Holocaust, as the Nazi regime also targeted the disabled, as well as individuals of Slavic, Romani, and LGBT backgrounds; and

Whereas, Moreover, the Holocaust was neither the first nor the last genocide of the 20th century, it was preceded by the Armenian Genocide and succeeded by the Rwandan Genocide, among others; and

Whereas, According to the New York Times, the Armenian Genocide, the slaughter of 1.5 million Armenians by the Ottoman Empire, took place between 1915 and 1923; and

Whereas, Seventy years later, in 1994, the Rwandan government targeted and killed approximately 800,000 ethnic Tutsis, according to estimates from the BBC; and

Whereas, In light of the awful toll of these events, and the obligation to teach students about the darker chapters of human history, students within New York State should study the Holocaust as well as the other major genocidal events in history; and

Whereas, A comprehensive curriculum pertaining to this aspect of world history could potentially prevent tomorrow's leaders from repeating yesterday's mistakes; 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 create a curriculum in public schools on the study of genocide and the Holocaust.

Referred to the Committee on Education.

Int. No. 1401

By Council Member Van Bramer

A Local Law to amend the New York city charter, in relation to members of the art commission.

Be it enacted by the Council as follows:

Section 1. Subdivision a of Section 851 of the New York city charter is amended to read as follows:

a. There shall be an art commission the members of which shall be the mayor, who may appoint a person to represent him and replace such representative at his pleasure, *the speaker of the city council or the speaker's representative*, the president of the Metropolitan Museum of Art, the president of the New York Public Library (Astor, Lenox and Tilden foundations), the president of the Brooklyn Museum, one painter, one sculptor, one architect, and one landscape architect, all of whom shall be residents of the city, and three other residents of the city no one of whom shall be a painter, sculptor, architect, landscape architect or active member of any other profession in the fine arts.

§ 2. This local law shall take effect 90 days following its ratification by the voters of New York city in a

referendum to be held in the general election next following its enactment.

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

Int. No. 1402

By Council Member Van Bramer.

A Local Law to amend the New York city charter, in relation to members of the art commission.

Be it enacted by the Council as follows:

Section 1. Subdivision a of Section 851 of the New York city charter is amended to read as follows:

a. There shall be an art commission the members of which shall be the mayor, who may appoint a person to represent him and replace such representative at his pleasure, the president of the Metropolitan Museum of Art, the president of the New York Public Library (Astor, Lenox and Tilden foundations), *the president of the Brooklyn Public Library, the president of the Queens Public Library*, the president of the Brooklyn Museum, one painter, one sculptor, one architect, and one landscape architect, all of whom shall be residents of the city, and three other residents of the city no one of whom shall be a painter, sculptor, architect, landscape architect or active member of any other profession in the fine arts.

§ 2. This local law shall take effect 90 days following its ratification by the voters of New York city in a referendum to be held in the general election next following its enactment.

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

Int. No. 1403

By Council Members Williams and Chin.

A Local Law to amend the New York city building code, in relation to requiring anemometers on cranes

Be it enacted by the Council as follows:

Section 1. Section BC 3319 of the New York city building code is amended by adding a new section 3319.11 to read as follows:

3319.11 Anemometer required. *No crane shall operate unless equipped with an anemometer, provided by the crane manufacturer or an entity acceptable to such manufacturer, and installed at the top of the boom or at the location specified by such manufacturer. Such anemometer must measure a 3-second gust wind. A real time display of the anemometer must be available to the hoisting machine operator in the crane cab or at the operator's station.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1404

By Council Members Williams, Richards and Chin (by the request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to penalties for violations of site safety provisions of the construction codes

Be it enacted by the Council as follows:

Section 1. Item 13 of section 28-201.2.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2010, is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization.

[13.1. The minimum civil penalty that shall be imposed for a violation of section 28-408.1 or section 28-410.1 of this code and the minimum fine that shall be imposed for a violation of such sections shall be two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.]

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-202.1 Civil penalties. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by civil penalties within the ranges set forth below:

1. For immediately hazardous violations, a civil penalty of not less than one thousand dollars nor more than [twenty-five thousand dollars] *$25,000* may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [one thousand dollars] *$1,000* for each day that the violation is not corrected. The commissioner may by rule establish such specified daily penalties.

2. For major violations, a civil penalty of not more than [ten thousand dollars] *$10,000* may be imposed for each violation. In addition to such civil penalty, a separate additional penalty may be imposed of not more than [two hundred fifty dollars] *$250* for each month that the violation is not corrected. The commissioner may by rule establish such specified monthly penalties.

3. For lesser violations, a civil penalty of not more than [five hundred dollars] *$500* may be imposed for each violation.

Exceptions:

1. The minimum civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be $2,500 for a first violation and $5,000 for a second violation, in addition to any separate daily penalty imposed pursuant to item 1 of this section.

2. For violations of article 110 of this code or section BC 3300 of the New York city building code:

2.1 The minimum civil penalty for an immediately hazardous violation of such article or section shall be $2,000 and the maximum civil penalty for such a violation shall be $30,000, in addition to any separate daily penalty imposed pursuant to item 1 of this section; and

2.2 The minimum civil penalty for a major violation of such article or section shall be $1,000 and the maximum civil penalty for such a violation shall be $15,000, in addition to any separate monthly penalty imposed pursuant to item 2 of this section.

§ 3. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§28-203.1 **Criminal fines and imprisonment**. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by criminal fines and imprisonment within the ranges set forth below:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by *(i)* a fine of not more than [twenty-five thousand dollars] *$25,000.*

2. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a major violation shall be guilty of a violation punishable by a fine of not more than [ten thousand dollars] *$10,000*, or imprisonment for not more than 15 days or both such fine and imprisonment.

3. Every person convicted of violating a provision of this code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as a lesser violation shall be guilty of a violation punishable by a fine of not more than [five hundred dollars] *$500*.

Exceptions:

1. The minimum fine for an immediately hazardous violation of article 110 of this code or section BC 3300 of the New York city building code shall be $2,000 and the maximum fine for such a violation shall be $30,000; and

2. The minimum fine for a major violation of article 110 of this code or section BC 3300 of the New York city building code shall be $1,000 and the maximum fine for such a violation shall be $15,000.

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Housing and Buildings.

http://legistar.council.nyc.gov/Calendar.aspx

A N N O U N C E M E N T S

Wednesday, December 7, 2016

Committee on Health ..... 1:00 p.m.

Int 1161 - By Council Members Crowley, Cumbo, Johnson, Rosenthal, Richards, Chin, Mendez, Rodriguez, Vacca, Maisel, Gentile and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on HPV vaccination rates.

Int 1162 - By Council Members Crowley, Cumbo, Johnson, Rosenthal, Richards, Chin, Mendez, Rodriguez, Vacca, Maisel and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on the use of long-acting reversible contraceptives.

Int 1172 - By Council Members Crowley, Cumbo, Johnson, Rosenthal, Chin, Cohen, Levin, Rodriguez, Vacca, Maisel and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to issue an annual report on maternal mortality.

Committee Room – 250 Broadway, 16th Floor — Corey Johnson, Chairperson

Thursday, December 8, 2016

Committee on Economic Development ……...1:00 p.m.

Oversight – Transparency & Reform of the New York City Economic Development Corporation.

Int 1316 - By Council Members Garodnick, Johnson, Rosenthal 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 contracts between the department of small business services and entities that administer economic development benefits on behalf of the city.

Int 1322 - By Council Members Johnson, Garodnick and Rosenthal - **A Local Law** to amend the New York city charter, in relation to the recovery of financial assistance for economic development in cases of noncompliance with the terms of such assistance.

Int 1337 - By Council Members Rosenthal, Garodnick and Johnson - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of small business services to require in its contracts with certain not-for-profit corporations that provide economic development services for the city of New York that, before any economic development project is commenced or submitted for approval, such corporations must submit a project description and budget to local officials and borough and community boards; including reporting requirements in such contracts; and repealing paragraphs b and b-1 of subdivision 1 of section 1301 of the New York city charter.

Committee Room – 250 Broadway, 14th Floor — Daniel Garodnick, Chairperson

★ ***Note Amended Topic***

Committee on Finance jointly with the
Committee on Veterans ……1:00 p.m.

★**Proposed Int 1304-A** - By Council Members Matteo, Rose, Ferreras-Copeland, Borelli, Ulrich, Vacca, Johnson, Vallone, Levine, Cohen, Richards, Lancman, Grodenchik, Maisel, Gentile, Koslowitz and Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to the alternative exemption for veterans.

Committee Room – City Hall — Julissa Ferreras-Copeland, Chairperson
Eric Ulrich, Chairperson

Committee on Higher Education.....1:00 p.m.

Oversight - New York City Council Merit-Based Scholarship Program
Committee Room – 250 Broadway, 16th Floor Inez Barron, Chairperson

Monday, December 12, 2016

Subcommittee on Zoning & Franchises..... 9:30 a.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson

Committee on Transportation……10:00 a.m.
Oversight - How Can New York City More Efficiently Manage its Parking to Meet Diverse Community Needs, Including Through Meters, Car Sharing and Other Innovative Ways.
Int 267 - By Council Members Mendez, Constantinides, Dickens, Koo and Levine (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to reserving parking spaces in public parking facilities for car sharing programs.
Int 873 - By Council Members Levine and Dickens - **A Local Law** to amend the administrative code of the city of New York, in relation to a car-sharing parking program.
Int 1234 - By Council Members Salamanca, Gentile, Constantinides, Johnson, Deutsch, Lancman, Dickens, Maisel, Cohen, Richards, Treyger, Williams, Barron, Torres, Greenfield, Palma, Espinal, Levin, Crowley, Vallone, Cabrera, Miller, Koo, Grodenchik, Levine, Chin, Kallos, Koslowitz, Reynoso, Van Bramer, Menchaca, Ulrich and Borelli - A Local Law to amend the administrative code of the city of New York, in relation to notifying council members and community boards of muni-meter installations.
Council Chambers – City Hall Ydanis Rodriguez, Chairperson

Subcommittee on Landmarks, Public Siting & Maritime Uses.....11:00 a.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

Subcommittee on Planning, Dispositions & Concessions..... 1:00 p.m.
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Inez Dickens, Chairperson

Tuesday, December 13, 2016

Committee on Civil Rights.....10:00 a.m.
Int 1253 - By the Public Advocate (Ms. James), Council Members Crowley, Cumbo, Rosenthal, Salamanca, Lander, Ferreras-Copeland, Williams, Richards, Palma, Dromm, Rose, Reynoso, Gibson, Espinal, Cornegy, Kallos, Koslowitz, Rodriguez, Dickens, Levine, Menchaca, Constantinides, Treyger, Torres, Miller, Mendez, Maisel, Chin, Barron and Mealy - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting employers from inquiring about or relying on a prospective employee's salary history.
Committee Room – 250 Broadway, 16th Floor Darlene Mealy, Chairperson

Committee on Housing and Buildings ……10:00 a.m.
Int 116 - By Council Member Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to an owner's right of access to make repairs.
Int 247 - By Council Members Crowley, Mendez, Koslowitz, Maisel, Salamanca, Gentile, Torres, Palma, Richards, Espinal, Levine, Grodenchik, Vallone, Cohen, Garodnick, King, Cabrera, Constantinides, Lancman, Miller, Cornegy, Mealy, Reynoso and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to criminal and civil penalties for the performance of unauthorized electrical work.

Int 648 - By Council Members Dromm, Eugene, Gibson, Koo, Rose, Rosenthal and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting and providing information concerning bedbugs.
Council Chambers – City Hall Jumaane D. Williams, Chairperson

Committee on Civil Service and Labor…..……..…….…..……..…….1:00 p.m.
Oversight - Examining how the Workers Compensation System impacts NYC workers
Committee Room – 250 Broadway, 14th Floor I. Daneek Miller, Chairperson

Committee on Environmental Protection ……..……..……....1:00 p.m.
Int 1346 - By Council Member Constantinides (by request of the Mayor) - **A Local Law** to amend the New York city charter, the administrative code of the city of New York, the New York city plumbing code and the New York city building code, in relation to water pollution control, including provisions relating to stormwater management and control of discharges into storm sewers.
Committee Room – 250 Broadway, 16th Floor Costa Constantinides, Chairperson

★ ***Deferred***
~~Committee on Finance……..……..……..1:00 p.m.~~
~~**Oversight** – Review of the Fiscal 2017 November Financial Plan and the September Capital Commitment Plan.~~
~~Council Chambers – City Hall Julissa Ferreras-Copeland, Chairperson~~

Wednesday, December 14, 2016

Committee on General Welfare……..... 10:00 a.m.
Oversight - Preventive Services at the Administration for Children's Services
Int 1062 - Council Members Chin, Menchaca, Johnson, Koo, Vacca, Rosenthal, Levin and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to provide language classes to certain children in foster care.
Int 1374 - By Council Members Levin and Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to the utilization of preventive services.
Council Chambers – City Hall Stephen Levin, Chairperson

Committee on Land Use ..... 11:00 a.m.
All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – City Hall David G. Greenfield, Chairperson

Committee on Cultural Affairs, Libraries & International Intergroup Relations jointly with the
Subcommittee on Libraries……..……..…….…….. 1:00 p.m.

Oversight - NYPL Schwarzman Building and Midtown Campus Plans
Council Chambers - City Hall James Van Bramer, Chairperson
Andrew King, Chairperson

Committee on Finance……..……..……..…… 1:00 p.m.
Oversight – Review of the Fiscal 2017 November Financial Plan and the September Capital Commitment Plan.
Committee Room – City Hall Julissa Ferreras-Copeland, Chairperson

Committee on Governmental Operations……..…….....….....1:00 p.m.

Int 282 - By Council Members Van Bramer, Koo, Richards, Rose, Cohen, Gentile, Dickens, Vacca, Rosenthal, Constantinides, Wills, Grodenchik and Ulrich - **A Local Law** to amend the New York city charter, in relation to community involvement in decisions of the board of standards and appeals.

Int 418 - By Council Members Koslowitz, Gentile, Koo, Richards, Torres, Vallone, Rodriguez, Rosenthal, Mendez and Ulrich - **A Local Law** to amend the New York city charter, in relation to written explanations by the board of standards and appeals.

Int 514 - By Council Members Matteo, Ulrich, Johnson, Koo, Rosenthal and Vacca - **A Local Law** to amend the administrative code of the city of New York, in relation to expiration of variances granted by the board of standards and appeals.

Int 691 - By Council Members Mendez, Johnson and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to extending the statute of limitations period for appealing a Board of Standards and Appeals decision.

Int 1200 - By Council Members Richards, Salamanca, Dickens, Gentile, Dromm, Chin and Menchaca - **A Local Law** to amend the New York city charter, in relation to requiring the board of standards and appeals to notify the council member for the relevant council district when an application to vary the zoning resolution or an application for special permit is received by the board.

Int 1390 - By Council Members Kallos, Mendez, and Richards - **A Local Law** to amend the New York city charter, in relation to the appointment of a board of standards and appeals coordinator within the department of city planning.

Int 1391 - By Council Members Kallos, Koslowitz, and Richards - **A Local Law** to amend the New York city charter, in relation to qualifications of staff members of the board of standards and appeals.

Int 1392 - By Council Members Kallos, Koslowitz, Mendez, and Richards - **A Local Law** to amend the New York city charter, in relation to requirements for applications before the board of standards and appeals.

Int 1393 - By Council Members Kallos, Matteo, Richards, Van Bramer and Mendez - **A Local Law** to amend the New York city charter, in relation to requiring the board of standards and appeals to report on variances and special permits.

Int 1394 - By Council Members Kallos, Matteo, Richards, Van Bramer, Mendez and Koslowitz - **A Local Law** to amend the New York city charter, in relation to the creation of an interactive zoning variance and special permit map.

Committee Room – 250 Broadway, 16th Floor — Ben Kallos, Chairperson

Thursday, December 15, 2016

Committee on Finance……..……..……..……..… 10:00 a.m.

Int 1371 - By Council Member Ferreras-Copeland (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the DUMBO business improvement district and an extension of the DUMBO business improvement district.

Res 1323 - By Council Member Ferreras-Copeland - **Resolution** approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall — Julissa Ferreras-Copeland, Chairperson

Stated Council Meeting*.....*Ceremonial Tributes – 1:00 p.m.
.....Agenda – 1:30 p.m.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) updated the Council on the Standing Rock Sioux situation. She announced that the Army Corps of Engineers had denied the easement needed to begin construction of a key section of the Dakota Access Pipeline on tribal land. On October 27, 2016, the Council had hosted Standing Rock Sioux Chairman Dave Archambault II and presented him a proclamation in support of the tribe's efforts to re-route the pipeline away from their territory.

Also during the Communication from the Speaker segment, the Speaker (Council Member Mark-Viverito) acknowledged that Kevin Pynn of the Legislative Document Unit was leaving the Council to enter the NYFD Fire Academy. She thanked him for his service and commitment to the Council and offered her congratulations and good luck on his future service as a NYFD firefighter.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) noted the upcoming 75th Anniversary of the December 7, 1941 attack on Pearl Harbor. She reiterated the Council's commitment to ensuring that the sacrifices of our men and women in uniform do not go unacknowledged.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Thursday, December 15, 2016.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 300-A, 738-A, 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, 1102, 1124-A, 1138-A, 1147-A, 1213-A, 1214-A, and 1228-B were signed into law by the Mayor on December 6, 2016 as Local Laws Nos. 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, and 165, respectively. Int Nos. 738-A, 1079-A, 1088-A, 1090-A, 1093-A, 1094-A, 1098-A, 1100-A, 1101, 1102, 1124-A, 1138-A, and 1228-B were adopted by the Council at the November 16, 2016 Stated Meeting. Int Nos. 300-A, 1147-A, 1213-A, and 1214-A were adopted by the Council at the November 29, 2016 Stated Meeting.*