

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, FEBRUARY 3, 2010

THE COUNCIL

*Minutes of the
Minutes of the
STATED MEETING*

of

Wednesday, February 3, 2010, 2:10 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Editor's Note: There is presently a vacancy in the Council pending the certified results of the Special Election to be held on Tuesday March 23, 2010 in the 44th Council District (Brooklyn).

Pursuant to a request by the Speaker (Council Member Quinn), the Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and acting presiding officer.

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

There were 50 Council Members present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Rev. Dr. Alvan N. Johnson, Jr., Presiding Elder, Brooklyn Westchester District, 1340 President Street, Brooklyn, NY 11213

Let us pray.

Divine, pervasive and universal Spirit
that inhabits all of existence
cause our presence,
cause Your presence
to influence our decisions this day,
enlighten our minds and illuminate our spirits
and forge in us a heightened sense
of appreciation for the contributions
of all of our inhabitants,
Latimer as well as Lincoln,
Bethune as well as Beecher Stowe,
and King as fully as Kennedy.
In so doing, by the time we adjourn,
our world, our City and our lives
will be that much richer
because You were with us this day.
In the name that is all that is good and holy,
our hearts say Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual: Sanitation Worker Frank Justich.

Frank Justich, 41, New York City Sanitation worker, was killed in the line of duty on January 26, 2010. While servicing a corner litter basket, he was struck and pinned by a tractor trailer at the intersection of 35th Street and Ditmars Avenue in Astoria, Queens. Sanitation Worker Justich was an 11 year veteran of the Department and was assigned to the Queens West District One garage which in the near future will be renamed in his memory and honor. He is survived by his wife, Stacey, their two daughters, Faith and Felicity, ages 4 and 1, his mother, Patricia, and over 75 immediate family members. Sanitation Worker Justich was the tenth sanitation worker to have fallen in the line of duty since 2002.

ADOPTION OF MINUTES

On behalf of Council Member Gennaro, the Speaker (Council Member Quinn) moved that the Minutes of the Stated Meetings on December 9, 2009 and December 14, 2009 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-8

Communication from the Mayor - Submitting Financial Plan Detail and Summary Book, Volumes I and II for Fiscal Years 2010-2014, pursuant to Sections 101 and 213 of the New York City Charter.

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

Referred to the Committee on Finance.

M-9

Communication from the Mayor - Submitting Preliminary Expense Budget for Fiscal Year 2011, pursuant to Sections 225 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-10

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2011, pursuant to Sections 100 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-11

Communication from the Mayor - Submitting Departmental Estimates Report, Volumes I, II, III, IV and V, for Fiscal Year 2011, pursuant to Sections 100, 212 and 231 of the New York City Charter.

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

Referred to the Committee on Finance.

M-12

Communication from the Mayor - Submitting Contract Budget Report for Fiscal Year 2011, pursuant to Section 104 of the New York City Charter.

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

Referred to the Committee on Finance.

M-13

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2011, pursuant to Section 213 and 236 of the New York City Charter.

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

Referred to the Committee on Finance.

M-14

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2011, Volumes 1, 2, & 3, and the Capital Commitment Plan, Fiscal Year 2009, Financial Summary, pursuant to Section 219 of the New York City Charter.

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

Referred to the Committee on Finance.

M-15

Communication from the Mayor – Submitting Preliminary certificate on capital debt and reserves, Pursuant to Section 235 of the New York City Charter.

January 28, 2010

Honorable Members of the Council

Honorable John C. Liu, Comptroller

Honorable Ruben Diaz Jr, Bronx Borough President
 Honorable Marty Markowitz, Brooklyn Borough President
 Honorable Scott M. Stringer, Manhattan Borough President
 Honorable Helen M. Marshall, Queens Borough President
 Honorable James P. Molinaro, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the “City”), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2011 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

| | | |
|------|---------|---------|
| 2011 | \$8,200 | Million |
| 2012 | 7,247 | Million |
| 2013 | 6,433 | Million |
| 2014 | 6,328 | Million |

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2011 – 2014:

| | | |
|------|---------|---------|
| 2011 | \$3,059 | Million |
| 2012 | 2,656 | Million |
| 2013 | 2,656 | Million |
| 2014 | 2,375 | Million |

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2011 – 2104:

| | | |
|------|---------|---------|
| 2011 | \$2,082 | Million |
| 2012 | 1,935 | Million |
| 2013 | 1,685 | Million |
| 2014 | 1,578 | Million |

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2011, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

| | | |
|------|---------|---------|
| 2011 | \$5,659 | Million |
| 2012 | 3,497 | Million |
| 2013 | 5,114 | Million |
| 2014 | 4,654 | Million |

Sincerely,

Michael R. Bloomberg
 Mayor

Received, Ordered, Printed and Filed.

M-16

Communication from the Mayor – Submitting Preliminary Contingency Plan for Proposed State Budget Reductions.

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

Received, Ordered, Printed and Filed.

PETITIONS AND COMMUNICATIONS

M-17

Communication from Council Member Simcha Felder - Submitting his resignation as a member of the New York City Council effective January 31, 2010.

January 5, 2010

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

Dear Hon. Michael McSweeney:

I write to inform you of my resignation from the New York City Council effective Sunday, January 31, 2010.

I would also like to express my deep appreciation to the citizens of New York City, particularly those residing in the 44th Council District, for giving me the opportunity to serve them for the past eight years.

Sincerely,

Simcha Felder
Council Member – 44th District

Received, Ordered, Printed & Filed.

LAND USE CALL UPS

M-18

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 622 10th Avenue, Community Board 4, Application 20095549 TCM-shall be subject to review by the Council.

Coupled on Call – Up Vote

M-19

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 402 West 47th Street, Community Board 4, Application 20105099 TCM-shall be subject to review by the Council.

Coupled on Call – Up Vote

M-20

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 196 Elizabeth Street, Community Board 2, Application 20105118 TCM-shall be subject to review by the Council.

Coupled on Call – Up Vote

M-21

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 385 Greenwich Street, Community Board 1, Application 20105167 TCM-shall be subject to review by the Council.

Coupled on Call – Up Vote

M-22

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application nos. C 100053 ZSM-and C 100054 ZSM-shall be subject to Council review. This item is related to Uniform Land Use Procedure Application no. C 100051 ZMM.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – 50.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Land Use

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

Report for L.U. No. 1

Report of the Committee on Land Use in favor of approving Application no. C 090042 ZMR submitted by Andrew J. Lanza., the civic Association of the Sandy Ground Area, and Pleasant Plains, Prince’s Bay, Richmond Valley Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 32c, 32d, 33a and 33b.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3

C 090042 ZMR

City Planning Commission decision approving an application submitted by Andrew J. Lanza, the Civic Association of the Sandy Ground Area, and Pleasant Plains, Prince's Bay, Richmond Valley Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 32c, 32d, 33a and 33b, changing from an R3-2 District to an R3-1 District property bounded by:

1. West Shore Expressway, a line 365 feet northeasterly of Winant Avenue and its northwesterly prolongation, Correll Avenue, Rossville Avenue, a line 300 feet northwesterly of Mason Boulevard, Bombay Street, Shiel Avenue, Bloomingdale Road, Candon Avenue, a line 450 feet northeasterly of Bloomingdale Road, Correll Avenue, Winant Avenue, Lucille Avenue, Bloomingdale Road, Candon Avenue, a line 330 feet southwesterly of Bloomingdale Road, the southwesterly centerline prolongation of Shiel Avenue, Bloomingdale Road, a line 500 feet southerly of Anthony Street, Maguire Avenue, Stafford Avenue, Lenevar Avenue, Ramona Avenue, Minturn Avenue, Rathbun Avenue, Maguire Avenue, Ramona Avenue, Bloomingdale Road, and Sharrotts Road and its easterly centerline prolongation; and

2. Rossville Avenue, a line 100 feet southeasterly of Barrow Place, Alverson Avenue, and Correll Avenue;

as shown on a diagram (for illustrative purposes only) dated September 21, 2009.

INTENT

To rezone an approximately 35-block area from R3-2 to R3-1 in the Sandy Ground area of Staten Island, Community District 3.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: January 26, 2010

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

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

Res. No. 19

Resolution approving the decision of the City Planning Commission on ULURP No. C 090042 ZMR, a Zoning Map amendment (Preconsidered L.U. No. 1).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2010 its decision dated January 6, 2010 (the "Decision"), on the application submitted by Andrew J. Lanza, the Civic Association of the Sandy Ground Area, Pleasant Plains, Prince's Bay, and Richmond Valley Civic Association, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map to rezone an approximately 35-block area from R3-2 to R3-1 in the Sandy Ground area of Staten Island, Community District 3 (ULURP No. C 090042 ZMR) (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 January 26, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 21, 2009 (CEQR No. 09DCP011R);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090042 ZMR, 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 Nos. 32c, 32d, 33a and 33b, changing from an R3-2 District to an R3-1 District property bounded by:

1. West Shore Expressway, a line 365 feet northeasterly of Winant Avenue and its northwesterly prolongation, Correll Avenue, Rossville Avenue, a line 300 feet northwesterly of Mason Boulevard, Bombay Street, Shiel Avenue, Bloomingdale Road, Candon Avenue, a line 450 feet northeasterly of Bloomingdale Road, Correll Avenue, Winant Avenue, Lucille Avenue, Bloomingdale Road, Candon Avenue, a line 330 feet southwesterly of Bloomingdale Road, the southwesterly centerline prolongation of Shiel Avenue, Bloomingdale Road, a line 500 feet southerly of Anthony Street, Maguire Avenue, Stafford Avenue, Lenevar Avenue, Ramona Avenue, Minturn Avenue, Rathbun Avenue, Maguire Avenue, Ramona Avenue, Bloomingdale Road, and Sharrotts Road and its easterly centerline prolongation; and

2. Rossville Avenue, a line 100 feet southeasterly of Barrow Place, Alverson Avenue, and Correll Avenue;

as shown on a diagram (for illustrative purposes only) dated September 21, 2009, Community District 3, Borough of Staten Island.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 2

Report of the Committee on Land Use in favor of approving Application no. N 090176 ZRR submitted by Brookside Amboy, LLC., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:SUBJECT

STATEN ISLAND CB - 3

N 090176 ZRR

City Planning Commission decision approving an application submitted by Brookside Amboy, LLC., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of arterial setback requirements in Community District 3.

INTENT

To eliminate a 20-foot setback requirement along the west side of Richmond Avenue between Amboy Road and Mosely Avenue within the Special South Richmond Development District.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 27, 2010

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

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

Res. No. 20

Resolution approving the decision of the City Planning Commission on Application No. N 090176 ZRR, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to the modification of arterial setback requirements in Community District 3, Borough of Staten Island (Preconsidered L.U. No. 2).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 8, 2010 its decision dated January 6, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Brookside Amboy, LLC, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to the modification of arterial setback requirements in Community District 3 (Application No. N 090176 ZRR), Borough of Staten Island (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 January 26, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on December 2, 2009 (CEQR No. 09DCP22R);

RESOLVED:

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

The applicant, Brookside Amboy LLC, incorporates an appropriate vapor barrier into the design plan of the proposed building as recommended by the Department of Environmental Protection.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 090176 ZRR, incorporated by reference herein, the Council approves the Decision.

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

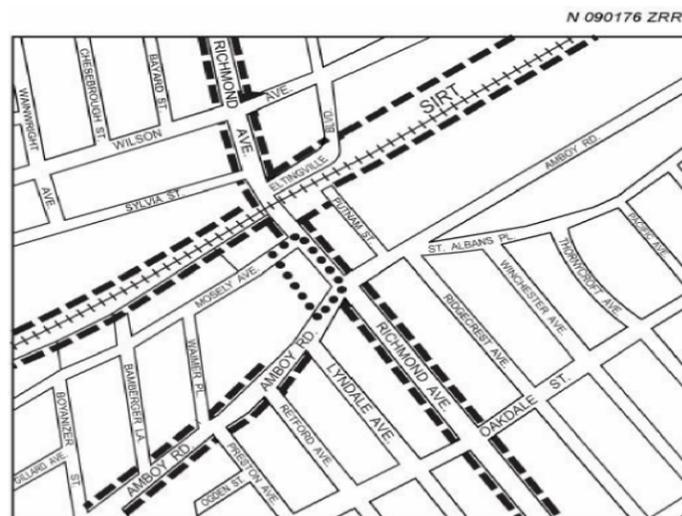


DIAGRAM SHOWING PROPOSED CHANGE IN ARTERIAL SETBACK SHOWN ON SOUTH RICHMOND SPECIAL DISTRICT PLAN ON SECTIONAL MAP 33c BOROUGH OF STATEN ISLAND SCALE IN FEET 200 0 200

NOTE:
 - - - - - Indicates a 20 Foot Setback if there is no parking within the setback. 35 Foot Setback if parking is provided within the setback.
 The area enclosed by the dotted line delineates area deleted from the arterial setback provision within the Special South Richmond District.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 3

Report of the Committee on Land Use in favor of approving Application no. C 090397 ZMX submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d, by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

BRONX CB - 12

C 090397 ZMX

City Planning Commission decision approving an application submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1 d, by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, as shown on a diagram (for illustrative purposes only) dated August 17, 2009, and subject to the conditions of CEQR Declaration E-240.

INTENT

To change from an R6 district to an R7X district a portion of Block 3360 in the Norwood section of the Bronx to facilitate four residential buildings with community facility space.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: January 27, 2010

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

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

Res. No. 21

Resolution approving the decision of the City Planning Commission on ULURP No. C 090397 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 3).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 18, 2009 its decision dated December 16, 2009 (the "Decision"), on the application submitted by Webster Commons, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map to change from an R6 district to an R7X district a portion of Block 3360 in the Norwood area of the Bronx, Community District 12, to facilitate four residential buildings with community facility space (ULURP No. C 090397 ZMX) (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 January 26, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on December 14, 2009, which includes (E) designation on Block 3360, Lot 76 (CEQR No. 09DCP028X);

RESOLVED:

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

The applicant, Webster Commons LLC., has entered into a restrictive declaration (Block 3360, Lot 76) related to stationary source air quality and natural resources to ensure that Natural Gas is used, building stacks are properly located, and that the gorge area and water feature are protected during and after construction.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090397 ZMX, 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 from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road, as shown on a diagram (for illustrative purposes only) dated August 17, 2009, and subject to the conditions of CEQR Declaration E-240, Community District 12, Borough of The Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 4

Report of the Committee on Land Use in favor of approving Application no. N 100116 HAX, an Urban Development Action Area Designation and Project, located at 151 East Tremont Avenue, Borough of the Bronx, Council District no. 14 This matter is subject to Council Review and action pursuant to §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:**SUBJECT**

BRONX CB - 5

N 100116 HAX

Application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a. the designation of property located at 151 East Tremont Avenue (Block 2808, Lot 4) as an Urban Development Action Area; and
- b. an Urban Development Action Area Project for such an area.

INTENT

To facilitate development of the site.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: January 27, 2010

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

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

Res. No. 22

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development ("HPD"), No. N 100116 HAX, approving the designation of property located at 151 East Tremont Avenue (Block 2808, Lot 4), the Bronx, as an Urban Development Action Area (the "Area"), and approving the project for the area as an Urban Development Action Area Project (Preconsidered L.U. No 4; N 100116 HAX).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on December 18, 2009 its decision dated December 16, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State regarding:

a) the designation of 151 East Tremont Avenue (Block 2808, Lot 4), as an Urban Development Action Area (the "Area"); and

b) an Urban Development Action Area Project for such area (the "Project");

to facilitate development of the site, Community Board 5, Borough of the Bronx (No. N 100116 HAX) (the "Application");

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application by letter dated December 28, 2009 and received January 11, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on January 26, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and Negative Declaration issued on September 25, 2009 (CEQR No. 10HPD004X);

RESOLVED:

The Council finds that the action described herein will have no significant effect in the environment.

Pursuant to Article 16 of the General Municipal Law, the Council approves the decision of the City Planning Commission (N 100116 HAX).

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 5

Report of the Committee on Land Use in favor of approving Application no. 20105196 HKM (N 100129 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.419, LP-2331) by the Landmarks Preservation Commission of the Ralph and Ann E. Van Wyck Mead House as an historic landmark, Council District no.2 .

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20105196 HKM (N 100129 HKM)

Designation by the Landmarks Preservation Commission (List No. 419/LP-2331), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Ralph and Ann E. Van Wyck Mead House (later Isaac T. Hopper Home of the Women's Prison Association) building, located at 110 Second Avenue (Block 448, Lot 4), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 27, 2010

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

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

Res. No. 23

Resolution affirming the designation by the Landmarks Preservation Commission of the Ralph and Ann E. Van Wyck Mead House (later Isaac T. Hopper Home of the Women's Prison Association) building, located at 110 Second Avenue (Block 448, Lot 4), Borough of Manhattan, Designation List No. 419, LP-2331 (Preconsidered L.U. No. 5; 20105196 HKM (N 100129 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on October 26, 2009 a copy of its designation dated October 13, 2009 (the "Designation"), of the Ralph and Ann E. Van Wyck Mead House (later Isaac T. Hopper Home of the Women's Prison Association) building, located at 110 Second Avenue, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 448, Lot 4, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on December 7, 2009 its report on the Designation dated December 2, 2009 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 6

Report of the Committee on Land Use in favor of approving Application no. 20105198 HKM (N 100130 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.419, LP-2324) by the Landmarks Preservation Commission of the Lamartine Place as a historic district, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4 20105198 HKM (N 100130 HKM)

Designation by the Landmarks Preservation Commission (List No. 419/LP-2324), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Lamartine Place Historic District, as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 27, 2010

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

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

Res. No. 24

Resolution affirming the designation by the Landmarks Preservation Commission of the Lamartine Place Historic District, Borough of Manhattan, Designation List No. 419, LP-2324; (Preconsidered L.U. No. 6; 20105198 HKM (N 100130 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on October 26, 2009 a copy of its designation dated October 13, 2009 (the "Designation"), of the Lamartine Place Historic District. The district boundaries are: bounded by a line beginning at the southeast corner of the lot of No. 333 West 29th Street, extending northerly along the eastern side of the lot to the northern property line of No. 333 West 29th Street, then extending westerly along the northern property lines of No. 333 to No. 355 West 29th Street, then extending southerly along the western property line of No. 355 West 29th Street, to the southern curb line of West 29th Street, then easterly along the southern curb line in front of Nos. 355 to No. 333 West 29th Street, to a point in said curb line formed by a line extending southerly from the eastern property line of no. 333 West 29th Street, then northerly across the sidewalk, to the point of beginning, as an historic district, Borough of Manhattan, pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on December 18, 2009 its report on the Designation dated December 16, 2009 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 7

Report of the Committee on Land Use in favor of approving Application no. 20105200 HKM (N 100123 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.418, LP-2329) by the Landmarks Preservation Commission of the Edith Andrews Logan Residence as an historic landmark, Council District no. 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20105200 HKM (N 100123 HKM)

Designation by the Landmarks Preservation Commission (List No. 418/LP-2329), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Edith Andrews Logan Residence, located at 17 West 56th Street (Block 1272, Lot 25), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 27, 2010

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

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

Res. No. 25

Resolution affirming the designation by the Landmarks Preservation Commission of the Edith Andrews Logan Residence, located at 17 West 56th Street (Block 1272, Lot 25), Borough of Manhattan, Designation List No. 418, LP-2329; (Preconsidered L.U. No. 7; 20105200 HKM (N 100123 HKM).

SUBJECT

MANHATTAN CB - 5 20105263 HKM (N 100161 HKM)

Designation by the Landmarks Preservation Commission (List No. 421/LP-2380), pursuant to Section 3020 of the New York City Charter of the landmark designation of the B.F. Goodrich Company Building, located at 1780 Broadway (Block 1029, p/o Lot 14), as an historic landmark.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: January 26, 2010

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

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

Res. No. 27

Resolution affirming the designation by the Landmarks Preservation Commission of the B.F. Goodrich Company Building, located at 1780 Broadway (Block 1029, p/o Lot 14), Borough of Manhattan, Designation List No. 421, LP-2380; Preconsidered L.U. No. 9; 20105263 HKM (N 100161 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2009 a copy of its designation dated November 17, 2009 (the "Designation"), of the B.F. Goodrich Company Building, located at 1780 Broadway, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1029, Lot 14 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on January 8, 2010 its report on the Designation dated January 6, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 10

Report of the Committee on Land Use in favor of approving Application no. 20105264 HKM (N 100166 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2328) by the Landmarks Preservation Commission of the Aschenbroedel Verein Building as an historic landmark, Council District no.2.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:SUBJECT

MANHATTAN CB - 3 20105264 HKM (N 100166 HKM)

Designation by the Landmarks Preservation Commission (List No. 423/LP-2328), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Aschenbroedel Verein Building (later Gesangverein Schillerbund/now La Mama Experimental Theatre Club), 74 East 4th Street (Block 459, Lot 23), as an historic landmark.

Report SummaryCOMMITTEE RECOMMENDATION AND ACTION

DATE: January 26, 2010

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

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

Res. No. 28

Resolution affirming the designation by the Landmarks Preservation Commission of the Aschenbroedel Verein Building (later Gesangverein Schillerbund/now La Mama Experimental Theatre Club), 74 East 4th Street (Block 459, Lot 23), Borough of Manhattan, Designation List No. 423, LP-2328; Preconsidered L.U. No. 10; 20105264 HKM (N 100166 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2009 a copy of its designation dated November 17, 2009 (the "Designation"), of the Aschenbroedel Verein Building (later Gesangverein Schillerbund/now La Mama Experimental Theatre Club), 74 East 4th Street, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 459, Lot 23, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on January 8, 2010 its report on the Designation dated January 6, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2009 a copy of its designation dated November 17, 2009 (the "Designation"), of the 147 Eighth Avenue House, located at 147 Eighth Avenue, Community District 4, Borough of Manhattan, as a landmark and Tax Map Block 741, Lot 32, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on January 8, 2010 its report on the Designation dated January 6, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 13

Report of the Committee on Land Use in favor of approving Application no. 20105268 HKM (N 100169 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2342) by the Landmarks Preservation Commission of the Paramount Hotel as an historic landmark, Council District no.3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20105268 HKM (N 100169 HKM)

Designation by the Landmarks Preservation Commission (List No. 423/LP-2342), pursuant to Section 3020 of the New York City Charter of the landmark designation of the Paramount Hotel, located at 235-245 West 46th Street (Block 1018, Lot 6), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 26, 2010

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

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

Res. No. 31

Resolution affirming the designation by the Landmarks Preservation Commission of the Paramount Hotel, located at 235-245 West 46th Street (Block 1018, Lot 6), Borough of Manhattan, Designation List No. 423, LP-2342; Preconsidered L.U. No. 13; 20105268 HKM (N 100169 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2009 a copy of its designation dated November 17, 2009 (the "Designation"), of the Paramount Hotel, located at 235-245 West 46th Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1018, Lot 6, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on January 8, 2010 its report on the Designation dated January 6, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 14

Report of the Committee on Land Use in favor of approving Application no. 20105269 HKR (N 100170 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2349) by the Landmarks Preservation Commission of 327 Westervelt Avenue known as the Vanderzee-Harper House as an historic landmark, Council District no. 49.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1 20105269 HKR (N 100170 HKR)

Designation by the Landmarks Preservation Commission (List No. 423/LP-2349), pursuant to Section 3020 of the New York City Charter of the landmark designation of 327 Westervelt Avenue known as the Vanderzee-Harper House (Block 27, Lot 5), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 26, 2010

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

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

Res. No. 32

Resolution affirming the designation by the Landmarks Preservation Commission of the 327 Westervelt Avenue known as the Vanderzee-Harper House (Block 27, Lot 5), Borough of Staten Island, Designation List No. 423, LP-2349; Preconsidered L.U. No. 14; 20105269 HKR (N 100170 HKR).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on November 25, 2009 a copy of its designation dated November 17, 2009 (the "Designation"), of the 327 Westervelt Avenue known as the Vanderzee-Harper House, Community District 1, Borough of Staten Island, as a landmark and Tax Map Block 27, Lot 5, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on January 8, 2010 its report on the Designation dated January 6, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on January 26, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRI, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 15

Report of the Committee on Land Use in favor of approving Application no. 20105058 HAK, an Urban Development Action Area Project located at 480-482 Warwick Street, Council District no. 42 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant

to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

SUBJECT

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

| <u>ADDRESS</u> | <u>BLOCK/LOT</u> | <u>NON-ULURP NO.</u> | <u>L.U. NO.</u> | <u>PROGRAM PROJECT</u> |
|------------------------------|------------------|----------------------|-----------------|------------------------|
| 480-482 Warwick Street | 4030/19/20 | 20105058 HAK | 15 | New Foundation |
| 3603-3605 Broadway Manhattan | 2095/31/32 | 20105060 HAM | 16 | Tenant Interim Lease |
| 1100 Elder Avenue Bronx | 3740/5 | 20105212 HAX | 17 | Tenant Interim Lease |

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Areas 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;
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 projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law for Non-ULURP No. 20105212 HAX; and pursuant to Section 696 of the General Municipal Law 20105058 HAK.

Report Summary:

COMMITTEE RECOMMENDATION AND ACTION

DATE: January 27, 2010

The Committee recommends that the Committee approve the attached resolution and thereby approve the proposals, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

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

Res. No. 33

Resolution approving an Urban Development Action Area Project located at Block 4030/Lot 19 and Block 4030/Lot 20, Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 15; 20105058 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 2, 2009 its request dated August 3, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 4030/Lot 19 and Block 4030/Lot 20, Community District 5, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 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 January 26, 2010;

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

RESOLVED:

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

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

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

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

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

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition 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 July 1st following the date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Disposition Area, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development 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 Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development 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 partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

ATTACHMENT:

20105058 HAK
Page 1 of 2
L.U. No. 4221e

PROJECT SUMMARY

| | | |
|-------------------------------------|--|------|
| 1. PROGRAM: | NEW FOUNDATIONS PROGRAM | |
| 2. PROJECT: | Van Sicken/Warwick | |
| 3. LOCATION: | | |
| a. BOROUGH: | Brooklyn | |
| b. COMMUNITY DISTRICT: | 5 | |
| c. COUNCIL DISTRICT: | 42 | |
| d. DISPOSITION AREA: | BLOCKS | LOTS |
| | 4030 | 19 |
| | 4030 | 20 |
| 4. BASIS OF DISPOSITION PRICE: | Negotiated | |
| 5. TYPE OF PROJECT: | New Construction | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | One 3-Family Home | |
| 7. APPROXIMATE NUMBER OF UNITS: | Up to 3 | |
| 8. HOUSING TYPE: | 3-Family Home. If the home remains unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold home may be rented in accordance with the written instructions of HPD. | |
| 9. ESTIMATE OF INITIAL PRICE: | The price will be affordable to families within the required income limits. | |
| 10. LIENS FOR LAND DEBT: | The difference between the appraised value of the land and the purchase price ("Land Debt") and the amount of any construction financing provided through loans from the City ("City Subsidy") are apportioned pro rata to each home and may be unsecured at the time of sale based on the home's post-construction appraised value. Purchasers repay the Land Debt and City Subsidy, if any, attributable to their homes by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the security instruments declines from years 6 to 15 by 1/10th of the original principal sum for each year of owner occupancy. Initial purchasers and subsequent owners are required to make payments to the City out of resale or refinancing profits. | |
| 11. INCOME TARGETS: | The home will be sold to a family with an annual household income at or below 165% of Area Median Income (AMI). | |
| 12. PROPOSED FACILITIES: | None | |
| 13. PROPOSED CODES/ORDINANCES: | None | |
| 14. ENVIRONMENTAL STATUS: | Type II | |
| 15. PROPOSED TIME SCHEDULE: | Approximately 18 months from closing to completion of construction. | |

CITY OF NEW YORK
LAND USE DIVISION
201002-2 F 0004

20105058 HAK
Page 2 of 2
L.U. No. 4221e

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 16

Report of the Committee on Land Use in favor of approving Application no. 20105060 HAM, an Urban Development Action Area located at 3603-3605 Broadway, Council District no. 7 Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 15 printed in these Minutes).

Accordingly, this Committee recommends its adoption.

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

Res. No. 34

Resolution approving an Amended Urban Development Action Area Project located at 3603 and 3605 Broadway (Block 2095/Lots 31 and 32), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 16; 20105060 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 2, 2009 its request dated August 3, 2009 that the Council take the following actions regarding an Amended Urban Development Action Area Project (the "Project") located at 3603 and 3605 Broadway (Block 2095/Lots 31 and 32), Community District 9, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of 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; and
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is now 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, the Project is related to Non-ULURP Application No. 20045277 HAM, L.U. No. 10, Resolution No. 102 of 2004;

WHEREAS, upon due notice, the Council held a public hearing on the Project on January 26, 2010;

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

RESOLVED:

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

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

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

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

The Project shall be disposed of and developed upon the terms and conditions in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

20105060 HAM
Page 1 of 1
L.U. No. 16

- | | |
|---|---|
| 1. PROGRAM: | TENANT INTERIM LEASE PROGRAM |
| 2. PROJECT: | 3603 & 3605 Broadway |
| 3. LOCATION: | |
| a. BOROUGH: | Manhattan |
| b. COMMUNITY DISTRICT: | 9 |
| c. COUNCIL DISTRICT: | 7 |
| d. DISPOSITION AREA: | <u>BLOCKS</u> <u>LOTS</u> <u>ADDRESSES</u> |
| | 2095 31 & 32 3603 & 3605 Broadway |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$1 per building) |
| 5. TYPE OF PROJECT: | Rehabilitation |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 2 Multiple Dwellings |
| 7. APPROXIMATE NUMBER OF UNITS: | 48 |
| 8. HOUSING TYPE: | Cooperative |
| 9. ESTIMATE OF INITIAL MAINTENANCE CHARGES: | Approximately \$200 to \$250 per zoning room per month. |
| 10. INCOME TARGETS: | The Disposition Area contains two occupied buildings which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median. |
| 11. PROPOSED FACILITIES: | None |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Type II |
| 14. PROPOSED TIME SCHEDULE: | Approximately 16 months from authorization to start |

L.U. DIVISION
 LAND USE DIVISION
 FEB 12 2 09

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

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

Report for L.U. No. 17

Report of the Committee on Land Use in favor of approving Application no. 20105212 HAX, an Urban Development Action Area Project located at 1100 Elder Avenue, Council District no. 18, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to

Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010, respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 15 printed in these Minutes).

Accordingly, this Committee recommends its adoption.

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

Res. No. 35

Resolution approving an Urban Development Action Area Project located at 1100 Elder Avenue (Block 3740, Lot 5), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 17; 20105212 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 16, 2009 its request dated November 2, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1100 Elder Avenue (Block 3740, Lot 5), Community District 9, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, 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, the project description that HPD provided to the Council states that the purchaser in connection with the Sale (the "Sponsor") is a duly organized housing development fund corporation under Article XI of the Private Housing Finance Law;

WHEREAS, upon due notice, the Council held a public hearing on the Project on January 26, 2010;

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

RESOLVED:

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

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

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

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

The Project shall be disposed of and developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) 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 Sponsor with, or for the benefit of, the City of New York.
- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

ATTACHMENT:

PROJECT SUMMARY

20105212 HAX
Page 1 of 1
L.U. No. 22

1. PROGRAM: TENANT INTERIM LEASE PROGRAM
2. PROJECT: 1100 Elder Avenue
3. LOCATION:
 - a. BOROUGH: Bronx
 - b. COMMUNITY DISTRICT: 09
 - c. COUNCIL DISTRICT: 18
 - d. DISPOSITION AREA:

| BLOCK | LOT | ADDRESS |
|-------|-----|-------------------|
| 3740 | 5 | 1100 Elder Avenue |
4. BASIS OF DISPOSITION PRICE: Nominal (\$250 per dwelling unit)
5. TYPE OF PROJECT: Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS: 1 Multiple Dwelling
7. APPROXIMATE NUMBER OF UNITS: 61
8. HOUSING TYPE: Cooperative
9. ESTIMATE OF INITIAL MAINTENANCE CHARGES: Approximately \$1.15 to \$1.50 per square feet.
10. INCOME TARGETS: The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.
11. PROPOSED FACILITIES: None
12. PROPOSED CODES/ORDINANCES: None
13. ENVIRONMENTAL STATUS: Type II
14. PROPOSED TIME SCHEDULE: Approximately six months from authorization to sale.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, January 27, 2010.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

| Name | Address | District # |
|------------------|--|------------|
| Linda Brown | 2050 Seward Avenue #3N Bronx, NY 10473 | 18 |
| Daniel Casados | 82 Quincy Street #4 Brooklyn, NY 11238 | 36 |
| Salvador Guevara | 148-05 87th Avenue Jamaica, NY 11435 | 24 |
| Alexander Lai | 32-23 Bell Blvd Queens, NY 11361 | 19 |
| Alicia Marte | 200 30th Street #1 Brooklyn, NY 11232 | 38 |
| Helen J. McHugh | 111 Montreal Avenue Staten Island, NY 10306 | 51 |

Approved New Applicants and Reapplicants

| Name | Address | District # |
|--------------------------|--|------------|
| Samantha Barchitta | 92 Prospect Place Brooklyn, NY 11217 | 33 |
| Rosa G. Felipe | 199 Meserole Street #3RR Brooklyn, NY 11206 | 33 |
| Cindy Marie Benenati | 598 Yetman Avenue Staten Island, NY 10307 | 51 |
| Barbra S. Fischetti | 24 Blue Heron Court Staten Island, NY 10312 | 51 |
| Denise Perretti | 25 Woodvale Loop Staten Island, NY 10309 | 51 |
| Linda M. Quinn | 18 Presley Street Staten Island, NY 10308 | 51 |
| Joan A. Santore | 684 Rensselaer Avenue Staten Island, NY 10312 | 51 |
| John Stringile | 298 Maybury Avenue Staten Island, NY 10308 | 51 |
| Bruce Brandwen | 20 West 76th Street #5A New York, NY 10023 | 6 |
| Robert Brizel | 333 West 86th Street New York, NY 10024 | 6 |
| Mary Carbonaro | 2073 East 38th Street Brooklyn, NY 11234 | 46 |
| Shirell Davis | 1783 East 91st Street Brooklyn, NY 11236 | 46 |
| Zinaida Karasik | 3323 Kings Highway #3B Brooklyn, NY 11234 | 46 |
| Mary A. Carbone | 675 86th Street Brooklyn, NY 11228 | 43 |
| Dorothy A. Croce | 1962 78th Street Brooklyn, NY 11214 | 43 |
| Robert J. Romano | 7201 15th Avenue Brooklyn, NY 11228 | 43 |
| Laura Castellanos-Arroyo | 665 Burke Avenue #2B Bronx, NY 10467 | 11 |
| Arleen Hernandez | 3512 Oxford Avenue #4C Bronx, NY 10463 | 11 |
| Kenneth Corprew | 50 West 131st Street New York, NY 10037 | 9 |
| Sue Ellen Doria | 65-09 77th Place Queens, NY 11379 | 30 |
| Myrna Ortiz | 62-09 62nd Avenue Queens, NY 11379 | 30 |
| Lucy Eng | 40 First Avenue #11C New York, NY 10009 | 2 |
| Harold Gonzalez | 170 Avenue C #21F New York, NY 10009 | 2 |
| Wilfredo Florentino | 384 Keap Street #4 Brooklyn, NY 11211 | 34 |
| Sakinah Springs | 163 Scholes Street #3A Brooklyn, NY 11206 | 34 |
| Ina Freeman | 373 Wyona Street Brooklyn, NY 11207 | 37 |
| Ann Gobiuff | 64-20 185 Street Flushing, NY 11365 | 24 |
| Alexandro J. Gomez | 239 East 110th Street #1 New York, NY 10029 | 8 |
| Ajah S. Griffin | 548 Decatur Street #3 Brooklyn, NY 11233 | 41 |
| Carol Hunter | 217 Jefferson Avenue Brooklyn, NY 11216 | 36 |
| Wilmen Joa | 53-11 97th Street Corona, NY 11368 | 25 |
| Joan Macafity | 4240 Hutchinson River Parkway #20D Bronx, NY 10475 | 12 |
| Jo-Anne Meeks-Herbert | 2263 Batchelder Street Brooklyn, NY 11229 | 48 |
| Rosaline Moody | 730 East 163rd Street Bronx, NY 10456 | 16 |

| | | |
|------------------------|---|----|
| Ada N. Munoz | 1350 Bedford Avenue #6F Brooklyn, NY 11216 | 35 |
| Carolyn Sanders-James | 1062 Lincoln Place Brooklyn, NY 11213 | 35 |
| Ana Payamps | 618 West 142nd Street #3E New York, NY 10031 | 7 |
| Carmen Rankin | 5985 Shore Parkway Brooklyn, NY 11236 | 42 |
| Fern Riback | 3743 Nautilus Avenue Brooklyn, NY 11224 | 47 |
| Piotr Shklover | 440 Neptune Avenue #17C Brooklyn, NY 11224 | 47 |
| Cecelia Rojas | 45 Linden Blvd. #6G Brooklyn, NY 11226 | 40 |
| William H. Satterwhite | 340 East 184th Street Bronx, NY 10458 | 15 |
| Maria J. Sepulveda | 105-25 88th Street #B2 Ozone Park, NY 11417 | 32 |
| Caterina Skalaski | 18-35 Corporal Kennedy Street #2B Bayside, NY 11360 | 19 |
| Violet Faith Squires | 355 8th Avenue #1H New York, NY 10001 | 3 |
| Mark K. Steinhauer | 345 8th Avenue #14J New York, NY 10001 | 3 |
| Loretta Thomas | 1477 Townsend Avenue #5R Bronx, NY 10452 | 14 |
| Mary C. White | 219-10 133 Avenue Queens, NY 11413 | 31 |
| Zhanna Yakob | 194 Stonegate Drive Staten Island, NY 10304 | 50 |
| Brandy C. Youman | 116-22 168th Street Jamaica, NY 11433 | 27 |

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY

(Items Coupled on General Order Calendar)

| | | |
|------|-------------------------------|---|
| (1) | L.U. 1 & Res 19 - | App. C 090042 ZMR amendment of the Zoning Map, Section Nos. 32c, 32d, 33a and 33b. |
| (2) | L.U. 2 & Res 20 - | App. N 090176 ZRR Special South Richmond Development District. |
| (3) | L.U. 3 & Res 21 - | App. C 090397 ZMX amendment of the Zoning Map, Section No. 1d, by changing from an R6 District to an R7X District. |
| (4) | L.U. 4 & Res 22 - | App. N 100116 HAX , UDAADP, 151 East Tremont Avenue, Borough of the Bronx, Council District no. 14 |
| (5) | L.U. 5 & Res 23 - | App. 20105196 HKM Ralph and Ann E. Van Wyck Mead House as an historic landmark, Council District no.2 . |
| (6) | L.U. 6 & Res 24 - | App. 20105198 HKM Lamartine Place as a historic district, Council District no. 3. |
| (7) | L.U. 7 & Res 25 - | App. 20105200 HKM Edith Andrews Logan Residence as an historic landmark, Council District no. 4. |
| (8) | L.U. 8 & Res 26 - | App. 20105262 HKM E. Hayward and Amelia Parsons Ferry House as an historic landmark, Council District no.4 |
| (9) | L.U. 9 & Res 27 - | App. 20105263 HKM B.F. Goodrich Company Building as an historic landmark, Council District no.4. |
| (10) | L.U. 10 & Res 28 - | App. 20105264 HKM Aschenbroedel Verein Building as an historic landmark, Council District no.2. |
| (11) | L.U. 11 & Res 29 - | App. 20105265 HKM 145 Eighth Avenue House as an historic landmark, Council District |

| | | |
|------|---|--|
| | | no. 3. |
| (12) | L.U. 12 & Res 30 - | App. 20105267 HKM 147 Eighth Avenue House as an historic landmark, Council District no. 3. |
| (13) | L.U. 13 & Res 31 - | App. 20105268 HKM Paramount Hotel as an historic landmark, Council District no.3. |
| (14) | L.U. 14 & Res 32 - | App. 20105269 HKR 327 Westervelt Avenue known as the Vanderzee-Harper House as an historic landmark, Council District no. 49. |
| (15) | L.U. 15 & Res 33 - | App. 20105058 HAK , UDAAP 480-482 Warwick Street, Council District no. 42 Borough of Brooklyn. |
| (16) | L.U. 16 & Res 34 - | App. 20105060 HAM , UDAAP at 3603-3605 Broadway, Council District no. 7 Borough of Manhattan. |
| (17) | L.U. 17 & Res 35 - | App. 20105212 HAX , UDAAP 1100 Elder Avenue, Council District no. 18, Borough of the Bronx. |
| (18) | Resolution approving various persons Commissioners of Deeds. | |

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 1 & Res No. 19**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**

Negative – Barron – **1**.

Abstention – Foster – **1**.

The following was the vote recorded for **LU No. 6 & Res No. 24; LU No. 11 & Res No. 29; LU No. 12 & Res No. 30**:

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

Negative – Ignizio – **1**.

INTRODUCTION AND READING OF BILLS

Int. No. 1

By Council Members Arroyo, Vallone Jr., Recchia, the Speaker (Council Member Quinn), Foster, Gonzalez, Koppell, Koslowitz, Nelson, Palma, Rivera, Crowley, White, Gennaro, Reyna and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to criminal street gang initiation activity.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that gang activity is capable of destroying lives and communities and should be deterred using all lawful means. The Council furthermore finds that initiation activities for gangs cause multiple harms. Such activities often cause the aspiring gang members to commit disruptive and potentially dangerous acts in the community. Additionally, when community members believe such activities are imminent, witness initiation activities, or experience random acts of disruption and violence through such activities, a sense of fear and foreboding permeates the community.

A recent federal study found that gang activity is prevalent in large urban centers and the Council finds that New York City, where gang activity is an on-going problem, is no exception. In recent years gang initiation has resulted in physical injury to innocent bystanders, the disruption of local businesses, and the spread of fear throughout local communities. The Council finds that the person being initiated is as culpable in these activities as the person leading the initiation. For all of these reasons, it is the finding and intent of the Council that such activity must be deterred in New York City by ensuring that such conduct be punishable as an A misdemeanor and that such penalty apply to all parties to unlawful initiation activity.

§ 2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-170 to read as follows:

§10-170. Criminal street gang initiation activity.

a. A person is guilty of criminal street gang initiation activity when, in the course of his or her own or another person's initiation or affiliation into a criminal street gang, he or she:

1. intentionally or recklessly engages in conduct that creates a substantial risk of physical injury to another person; or
2. by physical menace, intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury.

b. Definitions. For purposes of this section, the following terms shall have the following meanings: 1. "Criminal conduct" shall mean the felonies or misdemeanors defined in any of the following articles of the penal law: one hundred twenty, relating to assault and related offenses; one hundred twenty-five, relating to homicide; one hundred thirty, relating to sex offenses; one hundred thirty-five, relating to kidnapping, coercion and related offenses; one hundred forty, relating to burglary and related offenses; one hundred forty-five, relating to criminal mischief and related offenses; one hundred fifty, relating to arson; one hundred fifty-five, relating to larceny; one hundred sixty, relating to robbery; one hundred sixty-five, relating to theft; two hundred fifteen, relating to judicial proceedings; two hundred twenty, relating to controlled substances offenses; two hundred twenty-one, relating to offenses involving marihuana; two hundred twenty-five, relating to gambling offenses; two hundred thirty, relating to prostitution offenses or two hundred sixty-five, relating to firearms and other dangerous weapons; or harassment in the first degree or aggravated harassment in the first or second degree, as defined in article two hundred forty of the penal law.

2. "Criminal street gang" shall mean any ongoing organization, association, or group of three or more persons, whether formal or informal, that engages in criminal conduct as one of its primary purposes or activities.

c. Penalties. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

§ 3. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Int. No. 2

By Council Members Dilan, Foster, Gonzalez, Levin, Mealy, Nelson, Seabrook and Vann (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to crane safety.

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of chapter 33 of the New York city building code, as amended by local law number 46 for the year 2008, is amended by adding new definitions in alphabetical order and amending existing definitions to read as follows:

CRANE. A power operated machine, including all parts, components, and attachments thereto, for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine. The definition of a crane shall also include articulating boom crane, regardless of whether it has a hoisting mechanism integral to the machine.

EQUIPMENT OWNER. The entity that owns the equipment.

EQUIPMENT USER. The entity that receives authorization from the department to operate the equipment.

MOBILE CRANE. A commercial truck mounted crane, [crawler crane,] wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).

PILE DRIVER. A machine used exclusively to deliver repeated blows to the top of a pile for driving it into the ground that consists of a frame which supports and guides a hammer weight, together with a mechanism for raising and dropping the hammer or for driving the hammer. The definition of a pile driver shall not include a crane modified or equipped with attachments to drive piles; such modified or equipped cranes shall be considered to be a crane.

SELF ERECTING TOWER CRANE. A form of crane whose tower and boom and/or jib elements are not disassembled into component sections and which can be transported between sites as a complete unit, and whose erection and dismantling processes are an inherent part of the crane's function.

SERVICE CRANE. A mobile crane used to perform tasks on a job site not directly related to the construction, alteration, or demolition of a building. A service crane shall not include a mobile crane used to assemble or disassemble scaffolds, sidewalk sheds, cranes, derricks, hoists, or other construction related items, or a mobile crane used to place or extract equipment or trailers.

§2. The heading of section 3319 of chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**SECTION BC 3319
CRANES, [AND] DERRICKS, AND PILE DRIVERS**

§3. Section 3319.1 of chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.1 Scope. The [construction] design, installation, inspection, maintenance, repair, modification, and use of cranes, [and] derricks, and pile drivers shall be in conformance with the requirements of this section, Section 3316, and with rules promulgated by the commissioner.

Exceptions:

1. The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.
2. The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks that are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than 5 feet (1524 mm) and that any material transported thereon shall not be raised more than 2 feet (610 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
3. The requirements of this section shall not apply to cranes, derricks, or pile drivers used in industrial or commercial plants or yards not used for the construction of the facility in accordance with subdivision 3 of section 643 of the New York City Charter. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
4. The requirements of this section shall not apply to floating cranes, floating derricks, and cranes and derricks used on floating equipment. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
5. The requirements of this section shall not apply to augurs, churn-drills and other drilling equipment not used for hoisting any objects. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
6. The requirements of this section shall not apply to mechanic's trucks with a hoisting device, including those used in activities related to the maintenance and repair of construction-related equipment.
7. The requirements of this section shall not apply to cranes, derricks, or pile drivers where an engineer, on behalf of the equipment user, demonstrates to the satisfaction of the department that the use of the crane, derrick, or pile driver conforms with the following:
 - 7.1. The setup, assembly, disassembly, and/or operation of the crane, derrick, or pile driver, including all hoisting, occurs entirely within the property lines, and that such

property is closed to the public; and

- 7.1.1. For a mobile crane, crawler crane, or articulating boom crane, the crane will not come within a distance equal to or greater than 125% of the boom length (including jibs and any extensions thereto) from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property; or
 - 7.1.2. For a tower crane, self erecting tower crane, or derrick, the crane or derrick will not come within a distance equal to or greater than two times the final height of the crane or derrick plus the boom length (including jibs and any extensions thereto) from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property; or
 - 7.1.3. For a pile driver, the pile driver will not come within a distance equal to or greater than 125% of the height of the rig from any public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property.
- 7.2. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, structure on an adjoining lot, or city owned property; and
 - 7.3. The crane, derrick, or pile driver, in all conditions of loading, will not overload any subsurface vault, tunnel, or utility structure.

§4. Section 3319.3 of chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.3 [Requirements] Certificates required. No equipment owner, equipment user or other person shall authorize or permit the operation of any crane [or], derrick, or pile driver without a certificate of approval, a certificate of operation and a certificate of on-site inspection.

Exceptions:

1. [The requirements of this section shall not apply to excavating or earth-moving equipment, except cranes used with clamshells.]
- [2.] The requirements of this section shall not apply to cranes [or], derricks, or pile drivers performing an emergency use pursuant to the lawful order of the head of any department.
- [3.] 2. The requirements of this section shall not apply to mobile cranes that are not otherwise exempted by section 3319.1, including jibs and any other extensions to the boom not exceeding 50 feet (15 240 mm) in length and with a manufacturer's rated capacity of 3 tons (2722 kg) or less.
- [4.] 3. The requirements of this section shall not apply to mobile cranes that are not otherwise exempted by section 3319.1, including jibs and any other extensions, exceeding 50 feet (15 240 mm) but not exceeding 135 feet (41 148 mm) in length, and with a manufacturer's rated capacity of 3 tons (2722 kg) or less, except that a certificate of operation, as provided for in Section 3319.5, shall be required. The requirement for a certificate of operation shall not apply to such a crane used exclusively as a man basket. The commissioner may, by rule, exempt other mobile cranes of limited size from any or all requirements of this section.
- [5. The requirements of this section shall not apply to hoisting machines permanently mounted on the bed of material delivery trucks that are used exclusively for loading and unloading such trucks, provided that the length of boom does not exceed the length of the truck bed by more than 5 feet (1524 mm) and that any material transported thereon shall not be raised more than 2 feet (610 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
6. The requirements of this section shall not apply to cranes or derricks used in industrial or commercial plants or yards not used for the construction of the facility. Floating cranes, floating derricks, and cranes and derricks used on floating equipment shall also be exempt from the requirements of this section. Operators of such equipment shall be

exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.

7. The requirements of this section shall not apply to augurs, churn-drills and other drilling equipment not used for hoisting any objects. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
- 8.] 4. The requirements of this section shall not apply to derricks having a maximum rated capacity not exceeding 1 ton (907 kg).
- [9. The requirements of this section shall not apply to mechanic's truck with a hoisting device when used in activities related to the maintenance and repair of construction-related equipment.
- 10.] 5. The requirements of this section shall not apply to articulating boom cranes that are not otherwise exempted by section 3319.1, that do not have an integral hoisting mechanism, and that are used exclusively for loading and unloading of trucks or trailers, provided that the length of boom does not exceed 135 feet (41 148 mm) and that any material transported thereon shall not be raised more than 100 feet (30 480 mm) in the unloading process. Operators of such equipment shall be exempt from the licensing requirements described in Chapter 4 of Title 28 of the Administrative Code.
6. The requirements for a certificate of on-site inspection shall not apply where the setup and operation, including all hoisting operations, of a mobile crane or articulating boom crane are to be performed under the supervision of a licensed master rigger provided the following conditions are met:
 - 6.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
 - 6.2. The licensed master rigger, or master rigger foreman, will be personally present to supervise the entire setup and operation of the crane, including all hoisting operations;
 - 6.3. Such operation is limited to the placement of non-construction materials or non-construction equipment near, on, or within a building;
 - 6.4. The boom length of the crane, including jibs and any extension thereto, is not greater than 250 feet (76.2m) in length;
 - 6.5. The crane will not be supported by a building, foundation, platform, or temporary structure, and shall be supported only by footing in accordance with section 3319.14.4;
 - 6.6. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
 - 6.7. The licensed master rigger provides notification to the department no less than 5 business days prior to the use of the crane, certifies that the above conditions shall be met, and further provides a user certification in accordance with section 3319.6.3.2; and
 - 6.8. The equipment owner provides certification in accordance with section 3319.6.3.1.
7. The requirements for a certificate of on-site inspection shall not apply for the use of a service crane, provided the following conditions are met:
 - 7.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;
 - 7.2. The setup, assembly, disassembly and/or operation of the service crane, including all hoisting operations, occurs entirely within the property lines;
 - 7.3. Such property is closed to the public;
 - 7.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;
 - 7.5. The boom length, including jibs and any extensions thereto, is not greater than 110 feet (33.5m);
 - 7.6. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;
 - 7.7. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the crane and certifies that the above conditions shall be met;
 - 7.8. The equipment user provides a user certification in

accordance with section 3319.6.3.2; and

7.9. The equipment owner provides certification in accordance with section 3319.6.3.1.

8. The requirements for a certificate of on-site inspection shall not apply for the use of a mobile crane operating with a clamshell provided the following conditions are met:

8.1. The crane possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;

8.2. The setup, assembly, disassembly and/or operation of the crane, including all hosting operations, occurs entirely within the property lines;

8.3. Such property is closed to the public;

8.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;

8.5. The crane, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;

8.6. The crane is located a distance from the edge of the excavation equal to or greater than the depth of the excavation;

8.7. Either:

8.7.1. The crane is designed or supported on a platform so that the soil bearing pressure does not exceed 500 pounds per square foot (102.4 kg per square meter); or

8.7.2. Where the pressure on the soil is in excess of 500 pounds per square foot (102.4 kg per square meter) but does not exceed 2,500 pounds per square foot (512 kg per square meter), an engineer certifies and provides calculations to the department demonstrating that, on the basis of borings taken and filed with the department, that the soil is adequate to support the load imposed by the crane.

8.8. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the crane and certifies that the above conditions shall be met;

8.9. The equipment user provides a user certification in accordance with section 3319.6.3.2; and

8.10. The equipment owner provides certification in accordance with section 3319.6.3.1.

9. The requirements for a certificate of on-site inspection shall not apply for the use of a pile driver provided the following conditions are met:

9.1. The pile driver possesses a valid certificate of approval and certificate of operation, unless such crane is otherwise exempted from such requirement for a certificate by the code;

9.2. The setup, assembly, disassembly and/or operation of the pile driver occurs entirely within the property lines;

9.3. Such property is closed to the public;

9.4. No loads are moved over a public street or sidewalk, area accessible to the public, occupied building, or adjoining lot;

9.5. The pile driver, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition;

9.6. Either:

9.6.6. The pile driver is designed or supported on a platform so that the soil bearing pressure does not exceed 500 pounds per square foot (102.4 kg per square meter); or

9.6.7. Where the pressure on the soil is in excess of 500 pounds per square foot (102.4 kg per square meter) but does not exceed 2,500 pounds per square foot (512 kg per square meter), an engineer certifies and provides calculations to the department demonstrating that, on the basis of borings taken and filed with the department, that the soil is adequate to support the load imposed by the pile driver.

9.7. An engineer on behalf of the equipment user provides notification to the department no less than 5 business days prior to the use of the pile driver and certifies that the above conditions shall be met;

9.8. The equipment user provides a user certification in accordance with section 3319.6.3.2; and

9.9. The equipment owner provides certification in accordance

with section 3319.6.3.1.

§5. Section 3319.4 of chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.4 Certificate of approval. Certificates of approval shall comply with the [following:] requirements of sections 3319.4.1 through 3319.4.7.

[1. The manufacturer, owner, or designated representative of a crane or derrick for which a certificate of approval is sought shall file an application for such certificate of approval and provide such information as set forth in rules promulgated by the commissioner.

2. Upon the department's approval of the application described in item 1 above, the department shall issue a certificate of approval for the equipment and an approval of the submitted load rating chart.

3. A new certificate of approval shall be required when a crane or derrick is modified or altered to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased.]

3319.4.1 Application. To request a certificate of approval, a prototype application shall be filed by a professional engineer on behalf of the equipment owner, or by the manufacturer of the crane, derrick, or pile driver if the manufacturer is certified by the department in accordance with rules promulgated by the commissioner. The application shall contain information and other such documents as required in rules promulgated by the commissioner, including, but not limited to, manuals and load rating chart(s) supplied by the manufacturer.

3319.4.2 Approval. Upon the department's approval of the prototype application, the department shall approve the submitted load rating chart(s) and issue a certificate of approval for the crane, derrick, or pile driver.

3319.4.3 Amendments. An existing certificate of approval may be amended by a professional engineer on behalf of the equipment owner, or by the manufacturer of the crane, derrick, or pile driver if the manufacturer is certified by the department.

An amendment shall be required where the load ratings or configurations of the crane, derrick, or pile driver are altered, where the boom or mast length is increased, or where any components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other equipment not provided for in the certificate of approval are added.

Upon the department's approval of the amendments submitted, the department shall issue an amended certificate of approval.

3319.4.4 Operation. A crane, derrick, or pile driver requiring a certificate of approval shall not:

1. Be operated without a valid certificate of approval;
2. Lift beyond its maximum capacity or be operated in a manner or configuration not provided for in the certificate of approval;
3. Be modified to increase lifting capacity beyond that approved in the certificate of approval;
4. Be modified or altered to increase the boom or mast length beyond that in the certificate of approval; or
5. Be provided with any components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other equipment, not provided for in the certificate of approval.

3319.4.5 Transferability. Where equipment and its configurations are identical to equipment already possessing a valid certificate of approval from the department and will be operated as provided in that certificate of approval, the certificate of approval issued for the initial equipment and its configurations shall be accepted for the duplicate equipment and its configurations.

3319.4.6 Existing certificates of approval. Existing certificates of approval shall continue to remain valid until suspended or revoked by the department.

3319.4.7 Suspension or revocation of a certificate of approval. The department shall suspend or revoke a certificate of approval in accordance with the provisions of §28-105.10 of the Administrative Code.

§6. Section 3319.5 of chapter 33 of the New York city building code, as

added by local law number 33 for the year 2007, is amended to read as follows:

3319.5 Certificate of operation. Certificates of operation shall comply with the [following:] requirements of sections 3319.5.1 through 3319.5.13.

[1. The commissioner shall issue the initial certificate of operations for the crane or derrick with certificate of approval upon satisfactory inspection and test indicating that such crane or derrick is in a safe operating condition. The initial certificate of operation shall expire one year from the date of issuance.

2. The owner of a crane or derrick covered by the certificate of operation shall renew the certificate of operation each year.

3. If the owner of the covered crane or derrick applies for renewal of a certificate of operation within not more than 60 nor less than 30 days prior to the date of its expiration, such owner may continue to use the covered crane or derrick until the department grants or denies a new certificate;

4. When a crane or derrick configuration is changed to increase the boom length, jibs or any extensions to the boom beyond the maximum approval length or when the load ratings are increased, a new certificate of operation shall be required. In such a case, the crane or derrick may not be operated until the new certificate of operation is obtained.

5. An application for a new certificate of operation shall be submitted when attachments that affect the stability or structure of the crane or derrick are added. Calculations and load rating charts as required by rules promulgated by the commissioner shall be submitted with the renewal request.]

3319.5.1 Conformity with the certificate of approval. No application for a certificate of operation, either an initial application or renewal application, may be filed unless there is a valid certificate of approval for the crane, derrick, or pile driver issued by the department. No certificate of operation or amendment to a certificate of operation shall be granted for a crane, derrick, or pile driver proposed to be operated in a manner that exceeds the approved load charts or the requirements of the certificate of approval, or a crane, derrick or pile driver that includes components, attachments, or other equipment not specified in the certificate of approval.

Exception: Cranes, derricks, or pile drivers exempted by section 3319.3 from having a certificate of approval but requiring a certificate of operation.

3319.5.2 Initial and renewal applications. To request a certificate of operation, either an initial certificate or a renewed certificate, the equipment owner shall complete and sign a crane, derrick, or pile driver device application. The application shall contain the information required by sections 3319.5.2.1 through 3319.5.2.6.

3319.5.2.1 Component listing. The equipment owner shall list all components of the crane, derrick, or pile driver in accordance with rules promulgated by the commissioner.

3319.5.2.2 Tracking. The equipment owner shall adopt a program, acceptable to the commissioner, detailing the equipment owner's tracking of components and assigning a unique identification number to each component. The commissioner shall promulgate rules specifying components that must be tracked.

3319.5.2.3 Periodic inspection. The equipment owner shall certify that a qualified person has performed a periodic inspection in accordance with the requirements of the applicable standard, listed below, and any supplemental requirements in rules promulgated by the commissioner:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;
4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

The inspection shall have been performed within 14 days prior to the submittal of the application. A copy of the inspection results shall be provided with the application.

3319.5.2.4 Crack detection inspection. The equipment owner shall certify that crack detection inspections in accordance with rules promulgated by the commissioner have been performed, and provide a copy of the inspection results.

3319.5.2.5 Deficiencies. If any deficiencies are uncovered by the inspections required by sections 3319.5.2.3 or 3319.5.2.4, a certificate of

operation shall not be issued until the equipment owner provides information on the additional level of inspection undertaken to determine if the deficiency constitutes a hazardous condition.

3319.5.2.6 Operational certification. The equipment owner shall certify that:

1. At the time of the application, the crane, derrick, or pile driver is in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver.
2. The equipment owner shall provide the crane, derrick, or pile driver to equipment user(s) in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver
3. All maintenance, repairs, modifications, or replacements made to the crane, derrick, or pile driver by or with the knowledge of the equipment owner shall be in accordance with section 3319.11.
4. The equipment owner shall notify the department of all accidents involving the crane, derrick, or pile driver in accordance with section 3319.5.11.

3319.5.3 Provisions of initial application. To request an initial certificate of operation, the equipment owner shall file an application containing all the information required by section 3319.5.2 and the following information required by sections 3319.5.3.1 through 3319.5.3.3.

3319.5.3.1 Disclosure of history. The equipment owner shall:

1. Disclose the date of manufacture of the crane, derrick, or pile driver;
2. Disclose the age of components that will be tracked as required by section 3319.5.2.2;
3. Disclose if there is a manufacturer currently providing servicing and technical support to the crane, derrick, or pile driver;
4. Disclose if the crane, derrick, or pile driver has been in the continuous ownership of the equipment owner since it was manufactured, and if not, the name and contact information of previous owners;
5. Disclose the type of work the crane, derrick, or pile driver has typically been used for; and
6. Disclose if the crane, derrick, or pile driver has ever been involved in an accident that has damaged the structural, electrical, mechanical, operational systems, or safety devices of the crane, derrick, or pile driver, and, if so, disclose what steps were taken to repair the crane, derrick, or pile driver.

3319.5.3.2 Certification of components. The equipment owner shall:

1. Certify that all parts and components of the crane, derrick, or pile driver, either original or replacement, are supplied by the manufacturer; and
2. Certify that all repairs or modifications made to the crane, derrick, or pile driver have been in accordance with all manufacturer requirements, made by the manufacturer or a manufacturer's representative where the manufacturer so requires, and provide at least the manufacturer's original factor of safety.

3319.5.3.3 Manufacturer certification alternative. Where the equipment owner is unable to provide the information and certification required by sections 3319.5.3.1 and 3319.5.3.2 due to incomplete records or change of ownership, the equipment owner shall provide certification from the crane, derrick, or pile driver manufacturer or successor manufacturer that currently provides service and technical support to the crane, derrick, or pile driver that, upon inspection by the manufacturer, the manufacturer has found the crane, derrick, or pile driver to be in good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver.

3319.5.4 Approval. Upon the department's approval of the crane, derrick, or pile driver device application, the department shall issue a certificate of operation for the crane, derrick, or pile driver.

3319.5.5 Amendments. An existing certificate of operation may be amended by the equipment owner.

An amendment shall be required where components, including but not limited to boom or mast sections, jibs, extensions, attachments, or other

equipment not provided for in the certificate of operation are added.

Upon the department's approval of the amendments submitted, the department shall issue an amended certificate of operation.

3319.5.6 Renewal of the certificate of operation. Certificates of operation shall be renewed in accordance with sections 3319.5.6.1 and 3319.5.6.2.

3319.5.6.1 Renewal for mobile cranes, articulating boom cranes, self-erecting tower cranes, derricks permanently affixed to a building, and pile drivers. The certificate of operation for a mobile crane, articulating boom crane, self-erecting tower crane, derrick permanently affixed to a building, or pile driver shall expire one year from the date of issuance, and the equipment owner shall renew the certificate of operation each year in accordance with section 3319.5.2.

If the owner of the crane, derrick, or pile driver applies for the renewal of a certificate of operation within not more than 60 nor less than 30 days prior to the date of its expiration, such equipment may continue to operate until the department grants or denies a renewed certificate of operation. If the application is not received within this time period, the certificate of operation shall expire at the end of the one year period. Expired certificates of operation shall be renewed in accordance with section 3319.5.7.

3319.5.6.2 Renewal of the certificate of operation for crawler cranes, tower cranes, and derricks not permanently affixed to a building. The certificate of operation for a crawler crane, tower crane, or derrick not permanently affixed to a building shall be valid for only one job site and shall expire one year from the date of issuance. Where such jobs are to extend beyond one year, the equipment owner shall file for a three month extension of the certificate of operation at the one year mark and every three months thereafter. Such applications for an extension shall contain the information required by section 3319.5.2.

If the owner of the crane or derrick files for the extension within not more than 14 nor less than 7 days prior to the date of expiration of the certificate of operation, such crane or derrick may continue to operate until the department grants or denies the extension. If the application for an extension is not filed within this time period, the application may be filed at a later date, but the crane or derrick shall not be operated when the certificate of operation expires and shall not resume operation until the department grants the extension.

At the end of a job, the extension of the certificate of operation for the crane or derrick shall expire. The certificate of operation must be renewed prior to the start of a new job in accordance with section 3319.5.7.

3319.5.7 Expired certificates of operation. Equipment owners of cranes, derricks, or pile drivers with an expired certificate of operation may renew an expired certificate of operation by filing an application to renew a certificate of operation in accordance with section 3319.5.2, and the supplemental requirements listed in section 3319.5.7.1, provided that the expired certificate of operation was issued to the same equipment owner, and provided that the same equipment owner has owned the crane, derrick, or pile driver during the entire period the certificate of operation has been expired. If not, an application for an initial certificate of operation in accordance with section 3319.5.3 shall be filed.

A crane, derrick, or pile driver possessing an expired certificate of operation shall not be operated until the department grants a new or renewed certificate of operation.

3319.5.7.1 Supplemental requirements. An application to renew an expired certificate of operation shall be accompanied by an affidavit from the equipment owner:

1. Certifying that the crane, derrick, or pile driver has been in the continuous ownership of the equipment owner since the expiration of the certificate of operation;
2. Disclosing the type and location of work the crane, derrick, or pile driver has been used for since the expiration of the certificate of operation;
3. Certifying that since the expiration of the certificate of operation the crane, derrick, or pile driver has been maintained, repaired, modified, and replaced in accordance with section 3319.11.
4. Disclosing repairs, modifications, and replacements made to tracked components since the expiration of the certificate of operation in accordance with section 3319.5.10; and
5. Disclosing if the crane, derrick, or pile driver has been involved in an accident since the expiration of the certificate of operation in accordance with section 3319.5.11.

3319.5.8 Provisions for boom sections, jibs and attachments. All boom sections, jibs, or other attachments for a crane, derrick, or pile driver shall be listed in the certificate of operation. Where a new boom section, jib, or other attachment is to be added to a crane, derrick, or pile driver after a certificate of operation has been issued, the certificate of operation shall be amended. Such boom, jib, or other attachment shall not be installed or used until the amended certificate of operation is issued by the department. No boom section, jib, or other attachment not authorized by the certificate of approval shall be permitted to be listed under a certificate of operation.

Exception: Boom sections, jibs, or other attachments for a mobile crane, articulating boom crane, self-erecting tower crane, derrick permanently affixed to a building, or pile driver, but not a crawler crane, tower crane, or derrick not permanently affixed to a building, may be used on equipment separate from which they are listed provided the following conditions are met:

1. Such items are provided for in the certificate of approval for the equipment for which they are to be used;
2. Such items are to be used on a crane, derrick, or pile driver possessing a valid certificate of operation;
3. Such items come from a separate crane, derrick, or pile driver with a valid certificate of operation and such items are listed under that certificate of operation;
4. The crane, derrick, or pile driver from which the items come and the crane, derrick, or pile driver on which the items are to be used are owned by the same equipment owner;
5. Such items have been inspected, repaired, modified, replaced, maintained, and certified, and all accidents involving such items reported in accordance with the requirements for the certificate of operation for the crane, derrick, or pile driver under which they are listed; and
6. The crane, derrick, or pile driver notice application in connection with a certificate of on-site inspection, as provided in section 3319.6, notes such items are from a separate crane, derrick, or pile driver.

3319.5.9 Operation. A crane, derrick, or pile driver requiring a certificate of operation shall not be operated if it:

1. Does not possess a valid certificate of operation;
2. Includes components other than those listed in the certificate of operation as required by section 3319.5.2.1, except for components installed or used in accordance with section 3319.5.8;
3. Is found not to be in good condition or safe working order, or is found to possess a safety hazard;
4. Has not been inspected in accordance with the provisions of section 3319 of the building code or rules promulgated by the commissioner; or
5. Has not been maintained, repaired, modified, or replaced in accordance with section 3319.11.

3319.5.10 Tracked components. Where a component required to be tracked pursuant to section 3319.5.2.2 has been repaired, modified, or replaced by or with the knowledge of the equipment owner, either within or outside of New York City, such shall be reported to the department by the equipment owner. The certificate of operation for the crane, derrick, or pile driver shall be considered invalid upon conducting the repair, modification, or replacement. The crane, derrick, or pile driver shall not resume operation within New York City until an amended certificate of operation is approved by the department.

3319.5.11 Accident reporting. When a crane, derrick, or pile driver has been involved in an accident, either within or outside of New York City that damages the structural, electrical, mechanical, or operational systems, or safety devices of the equipment, the equipment owner shall notify the department, in writing, of the accident. The certificate of operation for the crane, derrick, or pile driver shall be considered invalid upon the occurrence of the accident. The crane, derrick, or pile driver shall not resume operation within New York City until an amended certificate of operation is approved by the department.

3319.5.12 Sale of equipment. When a crane, derrick, or pile driver possessing an active certificate of operation is sold to a new equipment owner, the department shall be notified, in writing, of the sale by the new equipment owner within 14 days after the date of sale. The new equipment owner shall include a copy of the bill of sale in the notification and certify that he/she has received from the previous equipment owner a copy of all logs and records required to have been maintained by the previous equipment owner by section 3319.11.

The new equipment owner shall not operate the crane, derrick, or pile driver within New York City until he/she has filed an application for a renewed

certificate of operation in accordance with section 3319.5.2 and the department has granted a renewed certificate of operation for the crane, derrick, or pile driver. Where a component required to be tracked pursuant to section 3319.5.2.2 has been repaired, modified, or replaced by or with the knowledge of either the old or new equipment owner, such shall be disclosed to the department in accordance with section 3319.5.10. Where such equipment has been involved in an accident while under the ownership of either the old or new owner, such shall be disclosed to the department in accordance with section 3319.5.11.

All maintenance, repairs, modifications, and replacements made to the crane, derrick, or pile driver by either the old owner or new owner shall be in accordance with section 3319.11.

3319.5.13 Suspension or revocation of a certificate of operation. The department shall suspend or revoke a certificate of operation in accordance with the provisions of §28-105.10 of the administrative code.

§7. Section 3319.6 of chapter 33 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3319.6 Certificate of on-site inspection. Certificates of on-site inspection shall comply with the [following:] requirements of section 3319.6.1 through 3319.6.8.

1. The equipment user, or his or her designated representative, shall obtain a certificate of on site inspection for the use of any crane or derrick used for construction or demolition purposes at each job site. Such application for the certificate of on-site inspection shall include information set forth in rules promulgated by the commissioner.
2. Upon approval of the application, a copy of such approval shall be given to the applicant. It shall be unlawful to operate the equipment that is the subject of the approval until it has been inspected and found to be satisfactory by the department as set forth in rules promulgated by the commissioner. Upon inspection and a finding of satisfactory compliance, the approval shall be deemed a certificate of on-site inspection, which shall expire one year from the date of issuance. A certificate of on-site inspection may be renewed in accordance with rules promulgated by the commissioner;
3. The certificate of on-site inspection is y valid only if the conditions and statements contained in the approved application are complied with and the crane or derrick is operated in conformance with the provisions of this section and the rules applicable thereto.
4. A certificate of on-site inspection is not required for cranes or derricks performing work exempted from such requirement by rules promulgated by the commissioner.]

3319.6.1 Conformity with the certificate of approval and certificate of operation. No application for a certificate of on-site inspection, either an initial application or renewal application, may be filed unless there is a valid certificate of approval and certificate of operation for the crane, derrick, or pile driver issued by the department. No certificate of on-site inspection, or amendment to a certificate of on-site inspection, shall be granted for a crane, derrick, or pile driver proposed to be operated beyond that in the approved load charts, or provided with attachments or other equipment not provided for in the certificate of approval or certificate of operation.

Exception: An application for a certificate of on-site inspection may be filed when the crane, derrick, or pile driver has an expired certificate of operation, provided the certificate of operation is renewed in accordance with section 3319.5.7 prior to the issuance of the certificate of on-site inspection.

3319.6.2 Application. To apply for a certificate of on-site inspection, an engineer retained by the equipment user shall file a crane, derrick, or pile driver application known as a crane, derrick or pile driver notice application. The notice application shall contain the information required by sections 3319.6.2.1 through 3319.6.2.6. Accompanying plans and calculations shall be signed and sealed by the engineer, and include the project address.

3319.6.2.1 Ground and subsurface conditions. Where a crane, derrick, or pile driver is proposed to be located on the ground, the notice application shall include the following:

1. Certification from the engineer submitting the notice application that he/she has inspected the ground conditions at the proposed

location of the crane, derrick, or pile driver and accounted for them in his or her design;

2. Identification of all pertinent ground and subsurface conditions, including but not limited to elevations and slopes, all sheeting, shoring, retaining walls, or excavations, all vaults, foundations, utilities, or other subsurface structures that could be impacted by the presence of the crane, derrick, or pile driver, along with identification of assumed soil, street, and sidewalk bearing values; and
3. Certification, supported by calculations, demonstrating that the crane, derrick, or pile driver, in all conditions of loading, will not overload the street, soil, or sidewalk, or any ground, utility, vault, or subsurface condition identified in item number 2 above.

3319.6.2.2 Footing. The notice application shall include plans for the footing of the crane, derrick, or pile driver, including matting needed to support and distribute the loads of the crane, derrick, or pile driver. The notice application shall demonstrate the adequacy of the footing and/or matting for all conditions of loading, or certify that timber in accordance with section 3319.14.4 is adequate and shall be provided.

The location of outriggers shall be clearly marked. If outriggers must be set at unequal positions, the engineer shall supply calculations verifying the stability of the crane, derrick, or pile driver.

3319.6.2.3 Foundation. Where a foundation, building, platform, or temporary structure is to support a crane, derrick, or pile driver, including but not limited to tie-in connections for tower cranes or the anchorages of derricks, the notice application shall contain all plans and calculations necessary to demonstrate the following, both for in service and out of service conditions:

1. The adequacy of the foundation, building, platform, or temporary structure to support the crane, derrick, or pile driver in all conditions of loading; and
 - 1.1. Any modifications needed to enable an existing foundation, building, platform, or temporary structure to support the crane, derrick, or pile driver in all conditions of loading; or
 - 1.2. The design of any foundation, platform, or temporary structure needed to be constructed to support the crane, derrick, or pile driver in all conditions of loading.
2. Means of supporting and bracing the equipment; and
3. Reactions imposed on the foundation, building, platform, or temporary structure by the crane, derrick, or pile driver, including those due to impact and wind.

Where the building is a building under construction, the application shall also contain a copy of the crane plans stamped "reviewed for loads imposed" by the registered design professional for the building, or a letter from the registered design professional for the building stating that he or she has reviewed the crane plans(s) for the loads it will impose on the building and attesting to the adequacy of the building to support the loads.

3319.6.2.4 Setup plan. The notice application shall include site plan(s) and elevation plan(s) showing the following:

1. The intended location of crane, derrick, or pile driver;
2. Areas where the crane or pile driver is proposed to travel on site;
3. Temporary construction such as sidewalk sheds, scaffolds, and hoists;
4. All surrounding buildings and structures within 125% of the maximum swing radius and swing path of the crane, derrick, or pile driver, with details including items such as balconies and setbacks;
5. Above ground utilities, street lights, traffic lights, antennas, electrical lines, phone or other lines, bridges, viaducts, and infrastructure within the maximum swing radius of the crane, derrick, or pile driver; and
6. Details demonstrating that the crane, derrick, or pile driver will not come into contact with any structures or obstructions.

3319.6.2.5 Configuration plan. The notice application shall include site plan(s) and elevation plan(s) showing the crane, derrick, or pile driver in all configurations for which it will be utilized at the job site, including showing all proposed boom lengths, jibs, and other attachments. For tower cranes, all proposed counterweights, including the amounts and configurations, shall be supplied.

3319.6.2.6 Assembly, jumping, and disassembly plan. Where a crane, derrick, or pile driver requires assembly, jumping, or disassembly, including boom assembly, or the attachment of jibs or other attachments, or requires

the use of assist cranes, an assembly and disassembly plan showing all phases of the assembly and disassembly shall be included. For tower cranes, the requirements of section 3319.8 shall apply.

3319.6.3 Approval. Upon approval of the crane, derrick, or pile driver notice application, a copy of such approval shall be given to the applicant. The crane, derrick, or pile driver shall not be set up or installed until the department has given such approval. Prior to setup or installation, the certifications required by section 3319.6.3.1 and 3319.6.3.2 shall be provided to the department.

Exceptions:

1. **Tower crane foundation.** The foundation for a tower crane may be installed prior to the submittal of a crane notice application provided that foundation plans for the tower crane foundation containing the information required by sections 3319.6.2.1 and 3319.6.2.3 are submitted to the department for review and approval prior to the installation of the tower crane foundation. This information does not need to reference a specific crane or crane set-up.
2. **Tower crane first mast section.** The first mast section of a tower crane may be installed without an approved notice application from the department for the tower crane, provided the assist crane or derrick possesses a valid certificate of on-site inspection, and provided the mast section is inspected and installed in accordance with rules promulgated by the commissioner.

3319.6.3.1 Owner certification. Prior to setup or installation of the crane, derrick, or pile driver, the equipment owner shall certify that the crane, derrick, or pile driver has been inspected, maintained, modified, repaired, and replaced by the owner in accordance with the provisions of the certificate of operation and section 3319.11, and that the crane, derrick, or pile driver has been provided to the equipment user in a good condition and safe working order, with no known hazardous conditions or maintenance problems that will compromise the safe operation of the crane, derrick, or pile driver. The certification shall be in the form of a letter, specific to the job.

3319.6.3.2 User certification. Prior to setup or installation of the crane, derrick, or pile driver, the equipment user shall certify that he/she shall, while the crane, derrick, or pile driver is in his or her possession:

1. Set up and operate the crane, derrick, or pile driver in accordance with the provisions of the approved load chart, certificate of approval, certificate of operation, and certificate of on-site inspection, or where such equipment is proposed to be operated under an exemption from such certificate, the equipment is operated in accordance with the provisions of the exemption;
2. Maintain the crane, derrick, or pile driver in accordance with section 3319.11;
3. Maintain a maintenance log in accordance with section 3319.11;
4. Maintain an inspection log in accordance with rules promulgated by the commissioner;
5. Not make any repairs, modifications, or replacements to the crane, derrick, or pile driver without the knowledge and authorization of the equipment owner in accordance with section 3319.11;
6. Immediately notify the department and the equipment owner of any accident involving the crane, derrick, or pile driver;
7. Provide flagperson(s), fences, barricades, or other adequate means to keep the public from coming into contact with the crane, derrick, or pile driver, or passing through a hoisting zone in accordance with section 3319.14;
8. Provide footing in accordance with section 3319.14;
9. Not permit hoisting over occupied buildings unless the provisions of section 3319.14 are satisfied;
10. Obtain all other permits and notifications required by section 3319.14;
11. Not permit the operation of the crane, derrick, or pile driver when a hazardous condition is known to exist; and
12. Not permit the set up or use of the crane, derrick, or pile driver without a valid approved application or certificate of on-site inspection in accordance with section 3319.6.

The certification shall be in the form of a letter, specific to the job.

3319.6.4 Issuance of the certificate of on-site inspection. Upon set up or installation, the crane, derrick, or pile driver shall not be operated until the crane, derrick, or pile driver has passed an inspection in accordance with rules promulgated by the department. Upon satisfactory compliance, the approved crane, derrick, or pile driver notice application shall be deemed a certificate of

on-site inspection, which shall expire one year from the date of issuance.

3319.6.5 Assist cranes or derricks. Assist cranes or derricks are required to possess a valid certificate of on-site inspection. Assist cranes or derricks shall not be utilized to assemble or disassemble a crane, derrick, or pile driver until the notice application for the equipment to be assembled or disassembled has been approved by the department and the assist crane or derrick possesses a valid certificate of on-site inspection.

3319.6.6 Amendments. An existing certificate of on-site inspection may be amended by a professional engineer on behalf of the equipment user. Amendments shall be approved in the order which they were received. Amendments shall be required where the crane, derrick, or pile driver is proposed to be set up, located, configured, or operated in a manner not provided for in the certificate of on-site inspection, or to be operated by a different equipment user.

3319.6.7 Operation. The certificate of on-site inspection is valid only if the conditions and statements contained in the approved application are complied with and the crane, derrick, or pile driver is operated in conformance with the provisions of this section and the rules applicable thereto.

3319.6.8 Suspension or revocation of a certificate of on-site inspection. The department shall suspend or revoke a certificate of on-site inspection in accordance with the provisions of §28-105.10 of the Administrative Code.

§8. Chapter 33 of the New York city building code, is amended by adding a new section 3319.11 to read as follows:

3319.11 Maintenance, repairs, modifications, and replacements. Cranes, derricks, and pile drivers shall be maintained, repaired and modified in accordance with, and all replacement part(s) shall comply with, the requirements of sections 3319.11.1 and 3319.11.2.

3319.11.1 Maintenance.

3319.11.1.1 Manufacturer's maintenance procedures. Cranes, derricks, and pile drivers shall be maintained by equipment owners and equipment users in accordance with all manufacturer procedures.

3319.11.1.2 National maintenance standards. Cranes, derricks, and pile drivers shall be maintained by equipment owners and equipment users in accordance with the requirements and the applicable standard, listed below:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;
4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

3319.11.1.3 Lubrication and oiling. Lubrication and oiling shall be performed under the supervision of the crane, derrick, or pile driver operator, oiler, or maintenance mechanic and be performed in accordance with sections 3319.11.1 and 3319.11.2.

3319.11.1.4 Jobsite maintenance logs. Where a crane, derrick, or pile driver is operated on a job site within New York City, the equipment user shall maintain a log of all maintenance performed on the crane, derrick, or pile driver at the job site, and make such log available to the commissioner upon request. The log shall also include information on all repairs, modifications, and replacements made to the crane, derrick, or pile driver at the job site.

Exception: Derricks permanently affixed to a building.

3319.11.2 Repairs, modifications, and replacements.

3319.11.2.1 Factor of safety for repairs, modifications, and replacements. All repairs, modifications, or replacements made to a crane, derrick, or pile driver by or with the knowledge of the equipment owner shall provide at least the manufacturer's original factor of safety.

3319.11.2.2 Manufacturer's repair, modification, and replacement procedures and equipment. Beginning January 1, 2011, all repairs, modifications, or replacements made to a crane, derrick, or pile driver by

or with the knowledge of the equipment owner shall be made in accordance with all manufacturer procedures and requirements, and shall be made by the manufacturer or a manufacturer's representative where the manufacturer so requires. All part(s) or component(s) added to or replaced on the crane, derrick or pile driver shall be supplied by the equipment manufacturer or manufacturer approved vendor.

Exception: Where manufacturer procedures and/or requirements do not exist, or equipment manufacturer or manufacturer approved vendor part(s) or component(s) does not exist, such repair, modification, or replacement shall be conducted in accordance with the applicable national standard, listed in section 3319.11.2.3, and provide at least the manufacturer's original factor of safety.

3319.11.2.3 National standards for repair, modification, and replacement. Beginning January 1, 2011, all repairs, modifications, or replacements made to a crane, derrick, or pile driver by or with the knowledge of the equipment owner shall be in accordance with the applicable standard, listed below:

1. ASME B30.3-2004, for a tower crane;
2. ASME B30.5-2007, for a mobile or crawler crane;
3. ASME B30.22-2005, for an articulating boom crane;
4. Standards identified in rules promulgated by the commissioner for self-erecting tower cranes;
5. ASME B30.6-2003, for a derrick; or
6. EN 996-1996 for pile drivers.

3319.11.2.4 Repair, modification, and replacement records. Beginning January 1, 2011, the equipment owner shall, for the life of the crane, derrick, or pile driver, maintain logs and records of all repairs, modifications, and replacements made by or with the knowledge of the equipment owner and make such logs and records available to the commissioner upon request. If the equipment is sold, such logs and records shall be transferred to the new owner.

3319.11.2.5 Equipment user notification of repairs, modifications, and replacements. An equipment user shall make no repairs, modifications, or replacements to a crane, derrick, or pile driver operating within New York City without the knowledge and authorization of the equipment owner.

§9. Chapter 33 of the New York city building code, is amended by adding a new section 3319.12 to read as follows:

3319.12 Department review. At the request of the commissioner, equipment owners and users shall perform inspections, or provide records, analysis, certification, or testing acceptable to the commissioner to demonstrate compliance with the requirements of this code and rules, to demonstrate the safety of the crane, derrick, or pile driver, to demonstrate that maintenance has been performed on the crane, derrick, or pile driver in accordance with section 3319.11, or to demonstrate the adequacy of all repairs, modifications, or replacements.

§10. Chapter 33 of the New York city building code, is amended by adding a new section 3319.13 to read as follows:

3319.13 Open applications. An application shall be deemed to have been abandoned twelve months after the date of its submission and shall expire pursuant to the provisions of §28-105.7 of the Administrative Code.

§11. Chapter 33 of the New York city building code, is amended by adding a new section 3319.14 to read as follows:

3319.14 Additional requirements.

3319.14.1 Department of transportation. Where a crane or pile driver is to be located on or hoisting operations are to occur over a street or sidewalk, a permit from the department of transportation shall be obtained by the equipment user. A copy of this permit shall be included in the crane, derrick, or pile driver notice application.

3319.14.2 Pedestrians. No crane, derrick, or pile driver shall be located on a street, sidewalk, or in area accessible to the public, and no hoisting shall occur over a street, sidewalk, or area accessible to the public unless the equipment user provides flagperson(s), fences, barricades, or other adequate means and prevents the public from coming into contact with the crane, derrick, or pile driver, or from passing through a hoisting zone. A sidewalk shed shall not be considered adequate means to protect pedestrians in a hoisting zone.

3319.14.3 Occupied buildings. Loads shall not be carried over any occupied building unless the top two floors are vacated or overhead protection approved by the department is provided.

3319.14.4 Footing. Footing shall be provided by the equipment user to distribute loads so as not to exceed the bearing capacity of the underlying material. Footing under tires, crawler tracks, or outrigger pads shall be level within one percent.

Where a crane or pile driver is to be located on a street or sidewalk, the pressure on such surface shall not exceed 3500 pounds per square foot (716.86 kg per square meter). The pressure shall be distributed by the equipment user on the street or sidewalk by means of timber extending not less than twelve (12) inches (304.8 mm) beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the pressure as required above of all the loads including the weight of the crane or pile driver, or by other means acceptable to the commissioner. The timber mats shall have a minimum thickness of two (2) inches (50.8 mm). All cranes or pile drivers equipped with steel tracks shall be supported by timber not less than six (6) inches (152.4 mm) thick and covering the entire base of the crane or pile driver.

3319.14.5 Aviation hazards. All required applications and/or approvals related to the operation of a crane, derrick, or pile driver from the Federal Aviation Administration, including but not limited to any required pursuant to 14 CFR Part 77 and FAA Advisory Circular AC70/7460-2K, shall be obtained by the equipment user. A copy of all required applications and/or approvals shall be kept on site, available to inspection by the commissioner.

3319.14.6 Transit facilities. If the body of a crane or pile driver is to be located within 200 feet (60.96 m) of a structure or vault owned by the Transit Authority, the approval of such is required. Such approval shall be acquired by the equipment user and included in the crane, derrick, or pile driver notice application.

3319.14.7 Weekend operations. To operate a crane, derrick, or pile driver on a weekend, the equipment user must obtain approval from the department as required by §24-223 of the Administrative Code.

§12. If any section, subdivision, paragraph, item, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§13. Notwithstanding any other provision of law, Reference Standard 19-2 Power Operated Cranes and Derricks of the appendix of chapter 1 of title 27 of the administrative code of the city of New York, as amended on September 14, 2006 by a taskforce appointed by the commissioner of buildings pursuant to section 27-131.1, is amended and shall apply to section 3319 of the New York city building code, as hereinafter provided:

1. Section 1 of Reference Standard 19-2 is repealed and superseded by section 3319.1 of the New York city building code as amended by section three of this law.
2. Sections 3, 4, and 16 of Reference Standard 19-2 shall be considered to satisfy the requirements for rules promulgated by the commissioner under section 3319.4 of the New York city building code as amended by section five of this law until such time the commissioner promulgates new rules to satisfy the requirements of section 3319.4.
3. Section 8 of Reference Standard 19-2 is repealed and superseded by section 3319.6 of the New York city building code, as amended by section seven of this law, except section 8.2.2 of Reference Standard 19-2 which remains in effect.
4. Section 10 of Reference Standard 19-2 is repealed and superseded by section 3319.5 of the New York city building code, as amended by section six of this law.
5. Section 15 and 18.1 of Reference Standard 19-2 shall be considered to satisfy the requirements for rules promulgated by the commissioner under sections 3319.5.2.3 and 3319.5.2.4 of the New York city building code, as amended by section six of this law, until such time the commissioner promulgates new rules to satisfy the requirements of such sections. Until rules certifying a qualified inspector are promulgated by the department, the department shall continue to perform periodic inspections required for the issuance or renewal of a certificate of operation.
6. Sections 17, 18.2, and 18.3 of Reference Standard 19-2 are repealed and superseded by section 3319.11 of the New York city building code, as amended by section eight of this law.
7. All other sections of Reference Standard 19-2 shall remain in effect until repealed or superseded by new rules promulgated by the commissioner.

§14. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 3

By Council Members Dromm, Cabrera, Arroyo, Jackson, Barron, Brewer, Dickens, Eugene, Ferreras, Fidler, Foster, Gonzalez, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Mealy, Palma, Seabrook, Vann, Williams, Nelson, Rodriguez, Van Bramer, Sanders and Chin.

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 review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Special Immigrant Juvenile Status (SIJS) is available for undocumented children in the custody and care of child welfare services. SIJS is a statutory provision included in the Federal Immigration Act of 1990, which, if applied for in a timely manner, enables certain undocumented young people to become permanent residents and to obtain green cards. SIJS presents the opportunity for immigrant children to live in the United States and take advantage of the various opportunities available to lawful United States residents. Based on information provided to the Council by the Administration for Children's Services (ACS), it is unclear whether ACS is adequately servicing the population of undocumented immigrant children that are under its care.

The Council finds that in order to ensure that the ACS is adequately servicing those children, it is necessary for ACS to ensure that immigration relief is a factor in permanency planning for undocumented youth. The Council finds that, although ACS has made great strides to address the immigration needs of children in its care, there continues to be a serious lack of information, knowledge, resources, technical assistance and support provided to contract service providers in the area of immigration relief for its clients. The Council finds that the creation of a plan within ACS is necessary in order to create an accurate and efficient system of identification, and to coordinate immigration services in order for ACS to meet its obligation to protect the rights of immigrant children. This will help ensure that all SIJS-eligible children have the opportunities that they deserve.

§2. Chapter nine of title 21 of the administrative code of the city of New York is amended by adding a new section 21-904 to read as follows:

§ 21-904 *Special Immigrant Juvenile Status Plan within the Administration for Children's Services.* a. ACS shall designate an individual responsible for creating a plan to provide services to Special Immigrant Juvenile Status ("SIJS") eligible children within the custody and control of ACS. Such plan shall determine how to (i) systemically identify children within ACS that qualify for SIJS as early as possible, and (ii) assist such children in obtaining the immigration services they need as soon as they are identified. Such individual shall report to the council, six months from the effective date of this local law, on ACS's plan for accomplishing (i) and (ii) above.

b. At a minimum, the plan shall include, but not be limited to, a description of (i) ACS's plan to identify children who qualify for SIJS and coordinate immigration services for them; (ii) ACS's policies relating to the identification of children who qualify for SIJS, including programs, procedures and memoranda; (iii) SIJS training programs for all ACS and contract foster care case workers and attorneys; (iv) the structure and operation of ACS's offices, including the position of Director of Immigration Services; and (v) ACS's requests for proposals for foster care contract agencies in order to develop uniform contract requirements regarding SIJS identification and coordination of immigration services.

§3. This local law shall take effect in 90 days.

Referred to the Committee on Immigration.

Res. No. 2

Resolution calling upon the New York State Legislature to fully fund summer youth employment programs.

By Council Members Fidler, Cabrera, Arroyo, Barron, Brewer, Dickens, Ferreras, Foster, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Nelson, Palma, Reyna, Sanders, Seabrook, Vann, Williams, White, Mark-Viverito, Rodriguez, Dromm, Van Bramer, Eugene, Gennaro, Jackson, Recchia, Vacca and Halloran.

Whereas, The Summer Youth Employment Program ("SYEP") provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities; and

Whereas, According to the Department of Youth and Community Development ("DYCD"), SYEP "strives to emphasize real-world labor expectations, increase awareness of services offered by community-based organizations and provide opportunities for career instruction, financial literacy training, academic improvement and social growth;" and

Whereas, In 2009, the SYEP included five contracts awarded to serve 600 vulnerable youth participants including runaway and homeless youth, youth in foster care, and court-involved youth and twenty-five SYEP providers were allocated slots to serve 3,812 participants with disabilities; and

Whereas, SYEP benefits not only youth participants but also local businesses that are eager to partner with the Department of Youth and Community Development (DYCD) and tap into an energetic and ambitious pool of young workers; and

Whereas, SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations; and

Whereas, In 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll; and

Whereas, State funding for SYEP in 2009 amounted to \$19.5 million which enabled the city to enroll 13,000 participants; and

Whereas, Summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses; and

Whereas, Governor David Paterson's proposed 2010-2011 executive budget eliminated funding for the state's Summer Youth Employment Program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to fully fund summer youth employment programs.

Referred to the Committee on Youth Services.

Res. No. 3

Resolution calling upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.

By Council Members Fidler, Cabrera, Arroyo, Barron, Brewer, Dickens, Ferreras, Foster, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Nelson, Palma, Reyna, Sanders, Seabrook, Vallone Jr., Vann, Williams, White, Rodriguez, Dromm, Van Bramer, Eugene, Gennaro, Jackson, Recchia, Vacca and Halloran.

Whereas, The Summer Youth Employment Program ("SYEP") provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities; and

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Whereas, SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations; and

Whereas, In 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll; and

Whereas, Summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses; and

Whereas, The House of Representatives recently passed The Jobs for Main Street Act of 2010 (H.R. 2847) which authorizes five hundred million dollars for summer youth employment programs and the Senate is expected to take up this legislation shortly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.

Referred to the Committee on Youth Services.

Int. No. 4

By Council Members Foster, Dickens, Gonzalez, James, Lappin, Mark-Viverito, Mealy, Palma and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to replacement of trees.

Be it enacted by the Council as follows:

Section 1. Section 18-107 of the administrative code of the city of New York is amended to read as follows:

§18-107 Replacement of trees removed [during construction]. Any individual, firm [or] corporation or city agency that intends to remove [during construction] any tree that is within the jurisdiction of the commissioner, shall obtain a permit from the department. Prior to obtaining such permit, such individual, firm, corporation or city agency shall [post a bond with the commissioner to insure that within thirty days after the completion of construction all trees removed, destroyed or severely damaged shall be replaced at the expense of the permittee.] choose to either pay a fee to the department in order for the department to replace any such trees removed, or the permittee shall replace any such trees itself. [The total caliper of all trees planted in the course of restoration shall in no event be less than the total caliper of all trees removed.] The commissioner shall promulgate rules as to the amount of such fee to be charged for each such tree removed, and the size of replacement trees. In determining the fee to be charged to the permittee for replacement of trees, such rules shall substantially comply with tree ordinance guidelines set forth by the international society of arboriculture. The commissioner shall reference such guidelines in any final rule. In determining how many replacement trees must be planted by such permittee in such rules, the department shall determine replacement based on either the caliper or basal area of any such tree sought to be removed; however, replacement trees shall at a minimum be caliper inch of new trees for caliper inch of each such tree removed. Determinations by the department applying any such rules promulgated pursuant to this section must be made in writing to the permittee, with any calculations set forth in such writing. Replacement shall be made [with 2 1/2 to 6 inch caliper trees and/or] as directed by the department horticultural officer[.], consistent with this section. The replacement shall be made in the ensuing spring or fall season, as determined by such horticultural officer. In the event a permit is requested during a season prior to when the horticultural officer has determined replacement be made, the department shall issue a permit upon receipt from such permittee funds necessary to cover the value of such trees sought to be removed consistent with this section. Such funds shall be held in escrow, and shall be returned to the permittee upon the planting of such required replacement trees. In the event such replacement trees are not planted as directed, such funds shall become property of the city of New York. [The amount of the bond as determined by the commissioner shall be sufficient to cover the cost of replacement.] The provisions of this section requiring payment of funds and the obtaining of a permit shall not apply to the department, but the department shall comply with all other requirements of this section and any rules promulgated pursuant to this section.

§2. This law shall take effect ninety days following enactment, except that the commissioner shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 5

By Council Member Garodnick.

A Local Law to amend the administrative code of the city of New York, in relation to disclosure of tenant screening reports.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 16, to read as follows:

Subchapter 16

Tenant Screening Report Disclosure

§20-807 Definitions.

§20-808 Disclosure.

§20-809 Posting of signs.

§20-810 Violations.

§20-811 Hearing authority.

§20-807 Definitions. For purposes of this subchapter, the following definitions shall apply:

a. "Application information" means all information any prospective tenant or tenants is/are required to provide in connection with renting or leasing residential real property, the purpose of which is to gather information about such

prospective tenant or tenants, including, but not limited to personal information such as names, addresses, contact information, social security numbers, employment history, rental history or other information pertinent to entering into a real estate tenancy agreement.

b. "Consumer reporting agency" means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports, tenant screening reports or other investigative consumer reports to third parties.

c. "Tenant screening report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, history of contact with any housing, civil or criminal court of any state, or mode of living, which is used or expected to be used or collected in whole or part for the purpose of serving as a factor in establishing a consumer's suitability for housing.

d. "User" when used in connection with the use of a tenant screening report means any property owner who receives or requests a tenant screening report for a prospective tenant or tenants, or an agent or representative of such property owner who receives or requests a tenant screening report.

§20-808 Disclosure. a. Any user of a tenant screening report shall disclose to the prospective tenant or tenants who is/are the subject of such report and applying for housing that (i) application information provided by the prospective tenant or tenants may be used to obtain a tenant screening report; and (ii) the name and address of the consumer reporting agency or agencies from which the user will obtain such report.

b. Any user of a tenant screening report shall also notify such potential tenants that, pursuant to federal and state law:

(1) if a user takes adverse action against a prospective tenant on the basis of information contained in a tenant screening report, such user must notify the tenant that such action was taken and supply the name and address of the consumer reporting agency that provided the tenant screening report on the basis of which such action was taken;

(2) any prospective tenant against whom adverse action was taken based on information contained in a tenant screening report has the right to inspect and receive a free copy of such report by contacting the consumer reporting agency;

(3) every tenant or prospective tenant is entitled to one free tenant screening report from each national consumer reporting agency annually, in addition to a credit report that should be obtained from www.annualcreditreport.com; and

(4) every tenant or prospective tenant may dispute inaccurate or incorrect information contained in a tenant screening report directly with the consumer reporting agency.

c. If application information is requested in writing, the statements required by subdivisions a and b of this section shall be in writing, located immediately adjacent to where personal information is requested, and set off in a box and printed in a color that sharply contrasts with the print surrounding it. If application information is requested orally, the user shall provide written copies of the statements required by subdivisions a and b of this section.

§20-809 Posting of signs. a. Any user of a tenant screening report shall post a sign, the form and manner of which shall be determined by rule of the commissioner, in any location at which the principle purpose is conducting business transactions pertaining to the rental of residential real estate properties. Such sign shall be posted in a location visible to potential subjects of such reports and shall disclose in conspicuous size type the name and address of all consumer reporting agencies used. Such sign shall also contain a statement that consumers are entitled to one free tenant screening report from each consumer reporting agency annually and may dispute inaccurate or incorrect information contained in such tenant screening report directly with the consumer reporting agency.

b. A user of a tenant screening report who has the right to rent or lease housing units in one building with five or fewer housing units that is owned and occupied by such user shall not be required to post a sign pursuant to subdivision a of this section in such building.

§20-810 Violations. Any user of a tenant screening report violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation. Subsequent violations shall be subject to civil penalties of not less than five hundred dollars nor more than seven hundred dollars for each violation.

§20-811 Hearing authority. a. Notwithstanding any other provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter and any rules promulgated thereunder. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-810 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the commissioner. The penalties provided for in section 20-810 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All proceedings under this subchapter shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§2. This local law shall take effect 120 days after enactment, except that the commissioner of consumer affairs shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Int. No. 6

By Council Members Garodnick, Brewer, Gonzalez, James, Koppell, Koslowitz, Lappin, Palma, Seabrook and Vallone Jr.

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

Be it enacted by the Council as follows:

Section 1. Section 20-403 of the administrative code of the city of New York is amended to read as follows:

a. *Process server license.* It shall be unlawful for any person to *do business as*, be employed as or perform the services of a process server without a license therefor.

b. *Process serving agency license.* It shall be unlawful for any process serving agency to assign or distribute process to individual process servers for actual service in the city of New York without a license therefore.

§2. Section 20-404 of the administrative code of the city of New York is amended to read as follows:

a. A process server is a person engaged in the business of serving or one who purports to serve or one who serves personally or by substituted service upon any person, corporation, governmental or political subdivision or agency, a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings.

b. *A process serving agency is any person, firm, partnership, association or corporation, other than an attorney or law firm located in this state or deputized city marshal, who maintains an office, bureau or agency, the purpose of which is to assign or distribute process to individual process servers for actual service in the city of New York.*

[b.] c. For the purposes of this subchapter the service of five or more process in any one year shall be deemed to constitute doing business as a process server.

§3. Section 20-406 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. *Each such applicant for a process server license or renewal thereof shall be required to pass an examination satisfactorily. Such examination shall be under the supervision of the commissioner and shall test the knowledge of the applicant concerning proper service of process within the city of New York and familiarity with relevant laws and rules.*

§4. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections, 20-406.1, 20-406.2, 20-406.3 and 20-406.4 to read as follows:

20-406.1 *Bond required.* a. *As a condition of the issuance of a process server license, each applicant for such license or a renewal thereof shall furnish to the commissioner a surety bond executed by the applicant in the sum of ten thousand dollars, payable to the city of New York, and a surety approved by the commissioner. Such bond shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules promulgated thereunder, and upon the further condition that the applicant will pay (i) to the city any fine, penalty or other obligation the city imposes relating to a violation of this subchapter and any rules promulgated thereunder, and (ii) to a plaintiff any final judgment recovered in an action arising out of the violation of any of the provisions of this subchapter within thirty days of its imposition. The commissioner may by rule authorize an individual applicant, in lieu of furnishing a bond, to satisfy the requirements of this section by depositing cash in an amount equal to the amount of the surety bond required by this section.*

b. *A process server licensed under this subchapter who engages in the business of serving process exclusively as an employee of a process serving agency licensed under this subchapter shall not be required to furnish a surety bond pursuant to subdivision (a) of this section.*

c. *As a condition of the issuance of a process serving agency license, each applicant for such license or a renewal thereof shall furnish to the commissioner a surety bond in the sum of one hundred thousand dollars executed by the applicant payable to the city of New York, and a surety approved by the commissioner. Such bond shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules promulgated thereunder, and upon the further condition that the applicant will pay (i) to the city any fine, penalty or other obligation the city imposes relating to a violation of this subchapter and any rules promulgated thereunder, and (ii) to a plaintiff any final judgment recovered in an action arising out of the violation of any of the provisions of this subchapter within thirty days of its imposition. The commissioner may by rule authorize an applicant, in lieu of furnishing a bond, to satisfy the requirements of this section by depositing cash in an amount equal to the amount of the surety bond required by this section.*

§20-406.2 *Responsibilities of process serving agencies.* Every process serving agency licensed under this subchapter shall:

a. *Comply with all applicable state and federal laws;*

b. *be legally responsible for any failure to act in accordance with the laws and rules governing service of process by each process server to whom it has distributed, assigned or delivered process for service;*

c. *Provide to each process server employed by such agency a written statement indicating the rights of such employee and the obligations of the process serving agency under city, state and federal law. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation;*

d. *Keep on file in its principal place of business for a period of three (3) years a statement for each employee, signed by such employee, indicating that the employee read and understood the statement of rights and obligations such employee received pursuant to subdivision (c) of this section.*

§20-406.3 *Records, Audits.* a. *Every process server and process serving agency licensed under this subchapter shall retain records in compliance with section 89-cc of the New York state general business law for no less than seven (7) years of each process served. Such records shall be retained in electronic form. Tampering with any such electronic records shall be prohibited.*

b. *A process server licensed under this subchapter who engages in the business of serving process exclusively as an employee of a process serving agency licensed under this subchapter shall not be subject to the provisions of subdivision (a) of this section, but shall be required to comply with all other applicable laws.*

c. *The commissioner may conduct audits of the information required to be kept pursuant to subdivision (a) of this section in order to monitor compliance with this subchapter.*

§20-406.4 *Educational materials.* *The commissioner shall develop educational materials to be provided to all process servers and process serving agencies licensed under this subchapter. Such materials shall at a minimum identify the laws and regulations pertaining to service of process in the city of New York.*

§ 5. Section 20-408 is REPEALED and a new section 20-408 is added to read as follows:

§20-408 *A process server licensed pursuant to this subchapter shall carry and operate at all times during the commission of his or her licensed activities an electronic device that uses a global positioning system, wi-fi device or other such technology as the Commissioner by rule shall prescribe to electronically establish and record the time, date, and location of service. All records created by such electronic device shall be maintained in an electronic database by the process server, or if such process server is acting exclusively as an employee of a process service agency, by the process service agency, for seven (7) years from the date such record is created.*

§6. Section 20-409 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. *Upon application for renewal of a license issued pursuant to this subchapter, applicants subject to subdivision (a) of section 20-406.3 of this subchapter shall certify in writing compliance with the record keeping provisions of such section.*

§7. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-409.1 and 20-409.2 to read as follows:

§20-409.1 *Violations and penalties.* *Any person who, after notice and hearing shall be found guilty of violating any provision of this subchapter, shall be punished in accordance with the provisions of chapter one of this title and shall be subject to a penalty of not less than seven hundred dollars nor more than one thousand dollars for each violation.*

§20-409.2 *Civil Cause of Action.* *Any person injured by the failure of a process server to act in accordance with the laws and rules governing service of process in New York state, including this subchapter and regulations promulgated thereunder, shall have a cause of action against such process server and process serving agency, which distributed or assigned process for service, in any court of competent jurisdiction for any or all of the following relief:*

- a. *compensatory and punitive damages, provided that punitive damages shall only be awarded in the case of willful failure to serve process;*
- b. *injunctive and declaratory relief;*
- c. *attorneys' fees and costs; and*
- d. *such other relief as a court may deem appropriate.*

§20-409.3 *Reporting.* *Twenty-four months after the local law that added this section becomes effective, the commissioner shall submit a report to the speaker of the council regarding the effectiveness of these provisions on effectuating proper service and improving oversight over the process service industry. Such report shall include, among other things, the results of audits the commissioner has completed of process servers and process serving agencies, including information regarding their compliance with the provisions of this subchapter.*

§8. This local law shall take effect one hundred eighty days after enactment provided, however that the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 4

Resolution calling on the New York State Senate to pass S.3584, a bill to amend the election law in relation to establishing an Instant Runoff Voting method for certain local elections.

By Council Members Garodnick, Brewer and James.

Whereas, Instant Runoff Voting (“IRV”) is a form of balloting in which voters rank their candidates in preferential order, and, if no candidate receives a majority of first-choice votes in the initial round of voting, a run-off instantly occurs in which the candidates with the fewest votes are eliminated and their voters’ second, and in some cases, third choice gets counted with the remaining ballots until one candidate wins a majority of the votes; and

Whereas, Sponsored by State Senator Liz Krueger, S.3584 would allow the New York State Board of Elections to implement a pilot program to test IRV in certain local elections; and

Whereas, IRV is currently in use in municipalities across the United States, including San Francisco, Burlington, and Minneapolis; and

Whereas, IRV has the potential minimize or eliminate the “spoiler effect,” by allowing third-party candidates to compete without becoming “spoilers,” so-called because they potentially siphon votes away from a philosophically similar candidate thereby allowing a different candidate to win with only minority support; and

Whereas, While candidates are sometimes elected without the support of the majority and with only a small proportion of the electorate, IRV ensures the rule of the majority and encourages candidates to find support beyond a particular niche and to build a broad inclusive coalition of supporters; and

Whereas, IRV reduces negative campaigning because candidates must simultaneously court their supporters and the supporters of their opponents; and

Whereas, Runoff elections often have lower turnouts than general elections and are expensive, costing municipal governments and campaigns millions of dollars that could otherwise be spent more effectively; and

Whereas, The October 2009 Democratic runoff in New York City, for example, cost \$15 million and attracted less than 8 percent of eligible voters; and

Whereas, IRV has the potential to increase voter choice, to ensure that elections reflect the will of the majority, and to save state and local governments millions of dollars; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass S.3584, a bill to amend the election law in relation to establishing an Instant Runoff Voting method for certain local elections.

Referred to the Committee on Governmental Operations.

Int. No. 7

By Council Members Gennaro, James, Koslowitz, Mark-Viverito, Palma and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring retail stores to have lights off when closed.*Be it enacted by the Council as follows:*

Section 1. Chapter 7 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-911 to read as follows:

§20-911 *Requiring stores to have lights off when closed* a. For purposes of this section, “store” shall mean any store other than a “small store” as defined in subdivision a of section 20-910 of this chapter.

b. All stores shall have the interior lights of such store off during times when no individuals are present within such store. However, this section shall not apply to any lighting required by any other provision of law or any lights required specifically to prevent the spoilage of merchandise.

c. The owner and operator of any store found to have violated the provisions of subdivision b of this section shall be subject to a civil penalty of one thousand dollars for each violation.

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

Referred to the Committee on Environmental Protection.

Int. No. 8

By Council Members Gennaro, Barron, Dickens, Gentile, James, Nelson, Palma, Seabrook, Williams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on all citywide election days.*Be it enacted by the Council as follows:*

Section one. Subdivision (a) of section 19-163 of the administrative code of the city of New York is amended as follows:

§19-163 Holiday suspension of the parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed [and] , all state and national holidays *and all citywide election days including primary and general election days.*

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

Referred to the Committee on Transportation.

Int. No. 9

By Council Members Gennaro, Brewer, Fidler, James and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to city-administered street litter baskets.*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-111.1 to read as follows:

Section 1. Chapter one of title 16 of the administrative code of the city of New York is hereby amended by adding a new section 16-111.1 to read as follows:

§16-111.1 *Street litter basket collection* a. The commissioner shall conduct daily collection service, excluding Sundays, from street litter baskets in all local service delivery districts in which such baskets are located.

b. The commissioner, in conjunction with the commissioner of small business services, shall provide information to community boards and other interested parties concerning opportunities to establish a business improvement district to provide litter basket maintenance services within such district, and shall provide additional information about opportunities to work with third-parties to address matters relating to street litter basket maintenance.

§2. Subdivision f of section 16-120 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than twenty-five nor more than one hundred dollars for the first violation, not less than one hundred dollars nor more than two hundred dollars for a second violation within any twelve-month period, and not less than two hundred dollars nor more than three hundred dollars for a third or subsequent violation within any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of not less than [one] two hundred dollars nor more than [three] six hundred dollars for the first violation, not less than [two] five hundred [fifty] dollars nor more than [three] seven hundred [fifty] dollars for a second violation within any twelve-month period, and not less than [three] seven hundred [fifty] dollars nor more than [four] eight hundred dollars for a third or subsequent violation within any twelve month period.

§3. This law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 5

Resolution opposing passage of A.2009-C/S.2165-B, legislation that would legalize mixed martial arts in New York State.

By Council Members Gennaro, Koppell, Palma, Seabrook and James.

Whereas, Mixed Martial Arts (MMA), also known as ultimate fighting and cage fighting, is a form of fighting that combines wrestling, boxing, jujitsu and hand to hand combat and takes place in octagon ring that is enclosed in a cage; and

Whereas, This sport has been popularized in the United States in recent years by the Ultimate Fighting Championship, which is often shown on pay-per-view; and

Whereas, The first Ultimate Fighting Championship was held in 1993; and

Whereas, Since then, some regulations and changes have been implemented by those governing this sport and many proponents and supporters have called for its legalization in New York; and

Whereas, In an online post dated January 22, 2009 entitled “The Disturbing Rise of Ultimate Fighting,” The New York Times editorial writers referred to ultimate fighting as “blood soaked slugfests;” and

Whereas, In 2008, a bill to legalize MMA was introduced in the New York Legislature with a slightly amended version of the bill introduced in the 2009 session; and

Whereas, This legislation, A.2009-C/S.2165-B, would authorize mixed martial arts events in the State of New York; and

Whereas, The legislation would also amend New York State tax law in relation to imposing a tax on gross receipts of any person holding professional matching exhibitions; and

Whereas, A report issued by Assemblyman Bob Reilly of Albany refuted the assumption that such legislation would financially benefit New York State; and

Whereas, The report, entitled “The Case Against Ultimate Fighting in New York State,” claims that the legalization of this sport would not benefit, but would actually harm the local economy, stating that the nature of Ultimate Fighting is transitory and strictly profit driven; and

Whereas, According to a poll conducted by Gramercy Communications, 67% of respondents believe that MMA should not be legal in New York State; and

Whereas, Mixed martial arts is an extremely violent sport which would not add any value to the residents of New York State; now therefore, be it

Resolved, That the Council of the City of New York opposes passage of A.2009-C/S.2165-B, legislation that would legalize mixed martial arts in New York State.

Referred to the Committee on State and Federal Legislation.

Int. No. 10

By Council Members Gentile, Brewer, Fidler, James, Lappin, Palma, Reyna, Sanders, Nelson and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to designation of “heavy use” thoroughfares, placement of street level air quality monitors at designated “heavy use” thoroughfares and other locations by the Department of Transportation and in relation to requiring annual reporting of the air quality monitoring results.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that there is ample evidence that poor air quality is associated with adverse health impacts. Documented adverse health impacts include increased risk of mortality from lung cancer, from cardiovascular diseases, and respiratory diseases. Recent studies also show that children are particularly susceptible to exposure to air pollution which is known to lower IQ scores even before birth and can leave children more susceptible to respiratory diseases later in life. Prenatal exposure to air pollution is linked with genetic abnormalities at birth and developmental delays by age three. Among obese children, more pronounced deficits in lung function have been observed in response to air pollution than among children of normal weight. Similarly, air pollution can have devastating impacts on people with compromised immune systems, the elderly and individuals with respiratory diseases.

The Council further finds that pollution from mobile sources represents a significant threat to children because one in three public schools in the United States is located within four hundred meters of a major highway which usually serve as routes for trucks and other traffic. The location of schools and school playgrounds in proximity to major highways and to mobile sources pollution generated by vehicles affects children more than adults because children spend more than thirty percent of their day on school grounds, in classrooms and, after school, involved in extracurricular activities at school. Finally, the Council finds that the Environmental Protection Agency is proposing a new and more stringent national standard for nitrogen dioxide (“NO₂”), caused by emissions from cars, trucks, buses, power plants and industrial facilities. The new proposed standard is based upon current scientific evidence linking short-term NO₂ exposures to respiratory effects in people with asthma and other respiratory diseases and at-risk populations such as children and the elderly. The proposed NO₂ standard would add NO₂ monitoring within fifty meters of major roads but would not require any NO₂ monitoring near schools, parks or playgrounds.

Therefore the Council finds that it is in the best interests of the City to designate heavy traffic thoroughfares and to require that air monitors be placed at designated heavy use thoroughfares and outside of parks, playgrounds, ball fields and school playgrounds that adjoin designated heavy use thoroughfares and to require annual reports on the results of the ambient air quality monitoring.

§ 2. Section 24-108 of the administrative code of the city of New York is amended by adding new subdivisions g, h, i, and j to read as follows:

(g) For purposes of this section the following terms shall have the following meanings:

(1) “Heavy use thoroughfare” shall mean any highway, roadway or other traffic corridor that has traffic volume greater than the fiftieth percentile of the average New York city roadway corridors or have traffic in excess of 100,000 vehicles on an annual basis. Designation of heavy use thoroughfares shall be based upon verifiable usage and traffic volume data obtained from transportation planning agencies including, but not limited to, the New York metropolitan transportation council, the New York city department of transportation and the New York state department of transportation.

(2) “Recreational area” shall mean any park, playground, ball field and school playground that abuts a heavy use thoroughfare..

(3) “Regulated air contaminant” shall mean oxides of nitrogen, volatile organic compounds, sulfur dioxide, particulate matter, carbon monoxide, carbon dioxide, polycyclic aromatic hydrocarbons or any other air contaminant for which a national ambient air quality standard has been promulgated; or any air contaminant that is regulated under section 42 USC 7412 of the Clean Air Act.

(4) “At risk populations” shall mean infants and young children, pregnant women, older adults, and people with weakened immune systems.

(h) Designation of heavy use thoroughfares. The department shall, no later than June 30 2011, designate heavy use thoroughfares in every borough.

(i) Placement of air monitors. The department shall install street level air monitors at a minimum at two major intersections on every designated heavy use thoroughfare and at every recreational area by December 30, 2011. Commencing on December 30, 2012 and every December 30 thereafter, the department shall issue a report to the mayor and to the speaker of the council containing the results of the air quality monitoring of designated heavy use thoroughfares. Such report shall also be posted on the department’s website annually.

i. Where the results of the air quality monitoring on and adjoining heavy use thoroughfares indicate that levels of any regulated air contaminant constitute a violation of an existing standard for that regulated air contaminant or contribute to an actual or potential danger to public health or the environment or present a health risk to at-risk populations based upon the most recent research available, the department of environmental protection along with the departments of transportation and education shall collaboratively identify and require the implementation of corrective mitigation measures that significantly reduce or eliminate short-term and long term exposure risks.

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Res. No. 6

Resolution calling upon the U.S. Department of Justice to hold the trials of the September 11th terrorists outside of New York City, or, in the alternative, calling upon President Obama and the 111th Congress to fully fund the security costs New York will incur in properly and effectively safeguarding the city during the federal terrorism trials.

By Council Members Gentile, Nelson, Vallone, Jr., Chin, Brewer, Dickens, Ferreras, Fidler, Foster, Gonzalez, Koppell, Lappin, Palma, Recchia, Rivera, Sanders, Vacca, Williams, Crowley, Mark-Viverito, Jackson, Mealy, Mendez, Weprin, James, Garodnick, Van Bramer, Dilan, Koslowitz, Dromm, Halloran, Koo, Oddo and Ulrich.

Whereas, In November of 2009, Attorney General Eric H. Holder, Jr. announced that the U.S. Department of Justice plans to prosecute five suspects accused of the September 11 terrorist attacks, including Khalid Shaikh Mohammed, in the federal district court for the Southern District of New York, which is located in downtown Manhattan; and

Whereas, Mayor Michael R. Bloomberg echoed publically the thoughts of many New Yorkers when he stated that the trials would disrupt the daily activities in Manhattan and impose an enormous financial and logistical burden on the city, its businesses, and its citizens; and

Whereas, The Department of Justice should reevaluate its decision and consider holding the trials in another location due to the fact that New York City is the financial capital of the nation and a highly visible terrorist target; and

Whereas, There has been a loud and persistent outcry from local residents and businesses in Chinatown and across lower Manhattan, especially in the communities of Chatham Towers and Chatham Square who will be negatively affected by the holding of these trials in lower Manhattan; and

Whereas, The concerns of the residents of lower Manhattan, about safety, mobility, and daily life have affected the opinions of many of these elected officials on these trials, and

Whereas, Mayor Bloomberg, Senators Schumer and Gillibrand are all open to exploring alternative sites, as is Senator Feinstein, Chair of the Senate Intelligence Committee who stated, in opposing New York City as the site of the trials, “from an

intelligence perspective, the situation has changed with the Christmas attack ... and the administration should take note of that and make a change as well;" and

Whereas, According to a Resolution passed by Lower Manhattan's Community Board 1, other sites - such as West Point and the federal court in White Plains, among others - would be more logistically feasible and less expensive; and

Whereas, If the federal government determines that the trials must be held in New York City, the federal government must finance the security costs that will be incurred in ensuring that the trials run safely and smoothly since New York State and New York City are both facing serious financial constraints; and

Whereas, In his Executive Budget for the 2010-2011 fiscal year, Governor Paterson announced that the state faces a budget deficit of \$7.4 billion, which consists of \$500 million which was carried over from last year (2009-2010); the state also expects to face budget deficits in the future of \$14.3 billion in 2011-2012, \$18.3 billion in 2012-2013, and \$20.7 billion in 2013-14; and

Whereas, New York City is also facing similar budget issues: a deficit of \$3.16 billion in Fiscal 2012 and \$3.67 billion in Fiscal 2013; and

Whereas, New York City taxpayers should not bear the burden of financing the entire trial; and

Whereas, In addition to financial concerns, New York City must worry about its limited police resources as holding the trial in New York may impede the NYPD as it seeks to fulfill its other responsibilities; and

Whereas, If the trial takes place in the federal courthouse on Pearl Street in Lower Manhattan, the Department of Homeland Security will only be responsible for securing the perimeter of the building and the NYPD will be responsible for the burden of securing the outer perimeter, which will stretch from Bowery to Broadway, and from Franklin Street to Canal Street; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S. Department of Justice to hold the trials of the September 11th terrorists outside of New York City, or, in the alternative, calling upon President Obama and the 111th Congress to fully fund the security costs New York will incur in properly and effectively safeguarding the city during the federal terrorism trials.

Referred to the Committee on Public Safety.

Int. No. 11

By Council Members Ignizio and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting private streets or thoroughfares from having similar names to proximate public streets or thoroughfares.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-172 of the administrative code of the city of New York is amended to read as follows:

§ 19-172 Private streets; names, restrictions of. a. It shall be unlawful for any private street or thoroughfare to bear a name [similar to a] *that shall have a word in it that is the same as a word on a street or thoroughfare officially named[.], located in whole or in part, within a one mile radius or within the postal zip code of any part of such private street or thoroughfare, with the exception of the words street, lane, road, avenue, place, boulevard, way or court, or similar such designation. This section shall not apply to any such private street or thoroughfare that bears a name at the time of the enactment of this section.*

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

Referred to the Committee on Transportation.

Int. No. 12

By Council Members James, Palma, Seabrook, Mark-Viverito, Cabrera, Foster, Koppell, Barron and Dromm.

A Local Law to amend the New York city charter, in relation to the emergency management department.

Be it enacted by the Council as follows:

Section 1. Section 496 of chapter 19-A of the New York City charter is amended to read as follows:

§496. Deputies. The commissioner shall have the power to appoint and, at pleasure, remove deputies, one to be known as first deputy commissioner. During the absence or disability of the commissioner, the first deputy commissioner, or if the first deputy commissioner shall be absent or under disability, the deputy commissioner designated by the commissioner, shall possess all the powers and

perform all the duties of the commissioner, except the power of making appointments and transfers. *The commissioner shall designate at least one deputy as responsible for coordinating the provision of services for City residents whom the Commissioner, or his designee, determines to be displaced from their homes for more than eighteen hours as a result of an emergency such as, for example, a fire, explosion, or building collapse. Such services shall include, but not be limited to, emergency housing, proof of identification, cash assistance, health care, and government benefits.*

§2. This local law shall take effect one hundred twenty days after its enactment into law, provided, however, that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law.

Referred to the Committee on Public Safety.

Int. No. 13

By Council Members James, Barron, Foster, Koppell, Lander, Mark-Viverito, Palma, Vann, Williams, Nelson, Chin and Dromm.

A Local Law in relation to the creation of a youth violence task force.

Be it enacted by the Council as follows:

Section 1. Legislative findings and declaration. Youth violence can be manifest in a number of different ways including gang violence, dating violence, and bullying. In 2008, juveniles accounted for 16% of all violent crime arrests nationwide, with 1,280 juveniles being arrested for murder, 3,340 for forcible rape, 35,350 for robbery, and 56,000 for aggravated assault. In the United States, homicide is the second leading cause of death among people 10-24 years of age and one quarter of all sexual assaults were perpetrated by offenders younger than 21.

The effects of youth violence are far reaching for the victim, the offender, and the community as a whole. Violence in schools can lead to increased absenteeism due to fear. Youth violence can lead to increased health care costs, decreased property values, and disruptions in social services.

The Council finds that youth violence is detrimental to the community as a whole as well as individuals. Based on this finding, the Council determines that it is necessary to create a task force to study this issue further and draft recommendation for the most effective means of preventing youth violence and treating juvenile offenders.

§2. Youth Violence Task Force. a. There shall be a task force to study youth violence in New York city and to make specific recommendations to the mayor and council for the prevention and treatment of youth violence throughout the city.

b. Such advisory board shall consist of nine members as follows:

i. Three members shall be appointed by the mayor, provided that at least one such member shall be a member of law enforcement and shall have experience in youth violence and at least one member shall have advanced training in and experience with youth gang violence.

ii. Two members shall be appointed by the speaker of the council, provided that at least one member shall have a background in youth gang violence.

iii. The commissioners of health and mental hygiene, youth and community development, the department of education, and juvenile justice, or the designees of such commissioners, shall serve ex officio.

iv. The members shall be appointed within sixty days of the enactment of this local law.

v. At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.

c. Each member, other than members serving in an ex officio capacity, shall serve for a term of twelve months, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. The department of health and mental hygiene, the department of youth and community development, the department of education, and the department of juvenile justice may provide staff to assist the task force.

e. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

f. Members of the advisory board shall serve without compensation and shall meet no less than one a month.

g. The advisory board shall issue a report to the mayor and council no later than twelve months after the final member of the advisory board is appointed. Such report shall include specific recommendations on the following topics:

i. Prevention of youth dating violence, youth gang-related violence, and violence in schools;

ii. Treatment of youth violence perpetrators in order to lower recidivism rates;

iii. Tracking and reporting of youth violence trends;

h. The advisory board shall terminate upon the publication of the report.

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

Referred to the Committee on Youth Services.

Int. No. 14

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

A Local Law to amend the New York city charter, in relation to the adjudication of violations of laws enforced by the New York city department of consumer affairs.

Be it enacted by the Council as follows:

Section 1. Section 2203 of the New York city charter is amended by adding a new subdivision (g) to read as follows:

(g)(1) *Notwithstanding any other provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The department shall have the power to render decisions and orders and to impose civil penalties for all such violations. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.*

(2) *All such proceedings shall be commenced by the service of a notice of violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.*

(3) *For the purposes of this subdivision, no act or practice shall be deemed a deceptive trade practice unless it has been declared a deceptive trade practice and described with reasonable particularity in a local law or in a rule or regulation promulgated by the commissioner.*

§ 2. This local law shall take effect thirty days after the date of its enactment into law, provided, however, that the department of consumer affairs may, on or after such date of enactment, promulgate any rules or take any other administrative actions necessary for the implementation of this local law.

Referred to the Committee on Consumer Affairs.

Int. No. 15

By Council Members Lappin, Brewer, James, Koppell, Lander, Levin, Palma and Sanders.

A Local Law to amend the New York city administrative code, in relation to light-emitting diode bulbs in street lamps.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-125.1 to read as follows:

§ 19-125.1 *Light-emitting diode street lamps. a. For the purposes of this section, the following terms shall be defined as follows:*

1. *“Decorative street lamp” shall mean a collectible lamp, under the jurisdiction of the department, supported by a lamppost and used to illuminate a street or other public area, representing a former period and valued for its age, rarity, condition, or other unique feature.*

2. *“Light-emitting diode bulb” shall mean a semiconductor diode that emits light when an electric current is applied.*

3. *“Street lamp” shall mean a lamp, under the jurisdiction of the department, supported by a lamppost and used to illuminate a street or other public area.*

b. Within one year of the effective date of the local law that added this section, the department shall install light-emitting diode bulbs in all street lamps or replace any street lamps that are incapable of accommodating light-emitting diode bulbs with street lamps using such bulbs; provided, however, that decorative street lamps, as designated by the commissioner, shall not be subject to the requirements of this section.

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

Referred to the Committee on Transportation.

Res. No. 7

Resolution calling upon the United States Congress to authorize a minimum \$250 economic stimulus payment for Social Security and Supplemental Security Income beneficiaries to aid seniors and persons with disabilities during these difficult economic times given that there will be no automatic Social Security cost of living adjustment in 2010.

By Council Members Lappin, Vacca, Brewer, Dickens, Ferreras, Fidler, Foster, Gentile, James, Levin, Mealy, Palma, Sanders, Seabrook, Williams and Nelson.

Whereas, Social Security was established in 1935 to provide American workers with protection from the total loss of wages when they retired and is the most successful and largest program to help prevent poverty in the United States; and

Whereas, Social Security provides benefits to retirees, survivors of workers that have died, and persons with disabilities; and

Whereas, The Supplemental Security Income (SSI) is designed to help aged, blind, and disabled persons, who have little or no income; and

Whereas, Currently there are over 57 million Americans that receive Social Security benefits, 90% of whom are age 65 and over, with persons with disabilities accounting for 18% of total benefits paid; and

Whereas, The Social Security Act provides that Social Security and SSI benefits receive an automatic Cost of Living Adjustment (COLA) each year if there is an increase in the Bureau of Labor Statistics' Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) from the third quarter of the last year to the third quarter of the current year; and

Whereas, Since there was no increase in the CPI-W from the third quarter of 2008 to the third quarter of 2009 there will not be an automatic COLA in 2010 for the first time since the automatic COLA went into effect in 1975; and

Whereas, Despite the decrease in the CPI-W, seniors and people with disabilities in New York City are facing rising costs for healthcare, housing, food, and transportation; and

Whereas, Social Security is the largest single source of income among persons age 65 and over, comprising 40% of their total income; and

Whereas, In New York City 85% of seniors received Social Security in 2008 and 403,299 New Yorkers received SSI in the same year; and

Whereas, Social Security is often inadequate to cover the high cost of living in New York City and seniors as well as persons with disabilities who depend primarily on this benefit for income are vulnerable to poverty; and

Whereas, President Obama has urged Congress to authorize a \$250 stimulus payment to help offset the rising costs that Social Security beneficiaries are experiencing due to the current economic climate; now, therefore, be it

Resolved, That the Council of the City of New York calls upon United States Congress to authorize a minimum \$250 economic stimulus payment for Social Security and Supplemental Security Income beneficiaries to aid seniors and persons with disabilities during these difficult economic times given that there will be no automatic Social Security cost of living adjustment in 2010.

Referred to the Committee on Aging.

Res. No. 8

Resolution urging the New York City Department of Education to require that each school have a minimum of one certified arts teacher on staff, and support and expand approaches that enable small public high schools to meet this requirement.

By Council Members Lappin, Brewer, Fidler, Foster, James, Koppell, Lander, Levin, Mealy, Palma, Seabrook and Williams.

Whereas, A substantial body of research demonstrates that a comprehensive arts education helps students learn more effectively in other subject areas, including math, science, reading, and writing; and

Whereas, Studies indicate that arts education helps students develop additional skill sets like critical thinking, creative expression, and problem solving; and

Whereas, Research has also shown that students who are highly involved in arts programs are much less likely to drop out of school and achieve higher levels of academic success in college; and

Whereas, Although the availability of arts education throughout the New York City public school system has slightly improved in recent years, most schools still do not meet the arts requirement mandated by the New York State Education Department; and

Whereas, According to the New York City Department of Education's (DOE) 2007-2008 Annual Arts in Schools Report, 8% of elementary schools reported providing annual arts instruction in all four arts disciplines (music, visual arts, dance and theater), as required by the State, compared to 4% the previous year; and

Whereas, The DOE report also revealed that less than half of middle schools reported that all students met the State's arts requirement; and

Whereas, Approximately 30% of public schools overall did not have a certified arts teacher on staff for the 2007-2008 academic year, up from 20% the previous year, according to The Center for Arts Education; and

Whereas, The Center for Arts Education recently conducted a study on the relationship between arts education and high school graduation rates in New York City; and

Whereas, The study revealed that high schools with the highest graduation rates offered their students the most access to arts education and the most resources to support arts education, by 40% more than those high schools with the lowest graduation rates; and

Whereas, New York State only requires high school students to complete two arts courses over four years; and

Whereas, According to the DOE, 79% of high schools offered instruction in two arts disciplines, 38% in three arts forms, and 27% in all four disciplines; and

Whereas, State regulations also require that each school district offer the opportunity for high school students to complete a three- or five-unit sequence in the arts; and

Whereas, DOE reported that only 29% of high schools offered at least a three- or five-unit sequence in the arts; and

Whereas, Like middle schools, high schools are also required to provide students with arts instruction by a certified teacher, and the State recommends that those teachers be certified in the art form they are teaching; and

Whereas, According to DOE, only 69% of high schools had at least one a full-time certified arts teacher on staff for the 2007-2008 academic year, a decrease from 82% the previous year; and

Whereas, Many small public high schools find it particularly difficult to meet the State requirement of having a certified arts teacher because they do not have the resources, space, or size of student population to hire a full-time certified arts teacher on staff; and

Whereas, New York City is considered to be the cultural capital of the world; and

Whereas, Arts education, especially in New York City, should be better supported by ensuring that more certified arts teachers are available at each school, and that students receive arts instruction in all four disciplines; and

Whereas, A substantial arts component to the school curriculum can improve student academic performance and increase graduation rates; now, therefore, be it

Resolved, That Council of the City of New York urges the New York City Department of Education to require that each school have a minimum of one certified arts teacher on staff, and support and expand approaches that enable small public high schools to meet this requirement.

Referred to the Committee on Education.

Int. No. 16

By Council Members Mark-Viverito, Brewer, Fidler, Gentile, James, Palma, Williams, Chin and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reports from the environmental control board on illegal vending.

Be it enacted by the Council as follows:

Section 1. Subchapter 27 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-472.1 to read as follows:

§20-472.1 Report by environmental control board on illegal vendor adjudications. The environmental control board shall issue quarterly reports to the council with respect to violations adjudicated by the environmental control board that were issued pursuant to this chapter. Each report shall detail the three-month period that ended three months prior to the issuance of the report. Such report shall include for each section of this chapter the number of violations for which the respondent was found liable, the number of violations which were adjudicated during such period and the respondent was found not liable, the dollar amount of each civil penalty imposed by the board, and the amount of total funds collected by the city based upon adjudications of the board. The first such report shall be due on October 1, 2010.

§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 17

By Council Members Mark Viverito, James, Lander, Dickens, Mealy, White, Rivera, Chin and Dromm.

A Local Law to amend the New York city charter, in relation to zero carbon emission buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that climate change has the potential to cause devastating impacts on New York City and the City has responded by taking action to reduce its greenhouse gas emissions citywide. By enacting Local Law 22 of 2008, New York City committed to reduce its greenhouse gas emissions by thirty percent by 2017 for City government operations and by thirty percent citywide by 2030. In order to accomplish those ambitious goals, New York City has undertaken a number of measures to address the sources of greenhouse gas emissions in a systematic fashion. One such measure, Local Law 86 of 2005, requires the City to use LEED green building criteria for capital projects. LEED, which is the acronym for Leadership in Energy and Environmental Design (LEED), is a nationally accepted third-party certification program for design, operation and construction of high performance green buildings. Reducing greenhouse gases from capital projects presented a formidable challenge as building construction and use is responsible for eighty percent of greenhouse gas emissions. Since the enactment of Local Law 86, at least eighty-three capital projects have commenced design subject to LEED guidelines.

However, since 2005 more efficient green building standards have been developed including carbon neutral, passive building and zero carbon construction. While a LEED certified building does not have to meet a particular energy efficiency standard, a net zero energy building produces as much energy as it uses on an annual basis, and a carbon neutral building uses no fossil fuels in its operation, creates no direct greenhouse gases and, as a result, does not contribute to global warming. A carbon neutral and net zero energy building produces at least as much energy as it generates each year and uses no fossil fuels in its operation. New York City would not be the first governmental entity to move beyond LEED. The state of Massachusetts has convened a Zero Net Energy Building Task Force with a goal of having the first state owned zero energy building by January 1, 2010 and the United Kingdom has mandated that all new homes in Britain must be zero carbon by 2016.

The Council further finds that zero carbon buildings are likely to reduce greenhouse gas emissions significantly more than is contemplated by LEED green building standards, are the new frontier of green building and should be required, on an experimental basis, in addition to capital projects developed under LEED green building standards. Therefore the council finds that it is in the best interest of the city to mandate that zero carbon emission capital projects be developed in addition to projects subject to LEED green building standards.

§2. Section 224.1 of the New York city charter is amended by adding a new subdivision 1 to read as follows:

(1) Zero carbon pilot projects. In addition to compliance with LEED green building standards, a minimum of two capital projects subject to LEED green building standards shall be selected during each year of the five year period commencing on January 30, 2010, that achieve zero carbon or net zero energy use consistent with the United States department of energy building technologies program, the United States green building council cascadia chapter "Living Building Challenge" and ASHRAE 2020. Such project may be the design and construction of a new building or an addition to an existing building or a substantial reconstruction of an existing building, that achieves zero carbon or net zero energy use. The department of buildings shall prepare an annual report on December 31, 2011 and upon each December 31, thereafter, submitted to the mayor and the speaker of the council on the progress of the zero carbon pilot capital construction projects including, but not limited to, progress on projects selected, carbon and energy savings achieved, and a comparison of cost effectiveness, construction costs, energy savings and such other information as provides a useful comparison to the capital projects commenced pursuant to LEED Green building standards.

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

Referred to the Committee on Environmental Protection.

Int. No. 18

By Council Members Mark-Viverito, Barron, Brewer, Cabrera, Dromm, Eugene, Ferreras, Foster, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mendez, Palma, Reyna, Sanders, Van Bramer, Williams, Vann, Chin, Arroyo, Rose, Rodriguez, Rivera, Gennaro, Lappin, Dickens, Mealy and Ulrich.

A Local Law to amend the administrative code of the city of New York in relation to establishing a prevailing wage requirement for building service employees in buildings owned, or managed, in whole or in part by persons receiving financial assistance or rent derived in whole or in part from the city treasury.

Be it enacted by the Council as follows:

Section 1: Title 6 of the administrative code of the city of New York is amended by adding a new section 6-130, to read as follows:

§6-130 *Prevailing Wage for Building Service Employees in City Leased or Financially Assisted Facilities.*

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

(1) "Building service" means work performed in connection with the care or maintenance of an existing building and includes but is not limited to work performed by a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, or superintendent.

(2) "Building service employee" means any person performing building service work, including but not limited to a watchperson, guard, doorman, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, window cleaner, or superintendent.

(3) "City" means the city of New York and all subordinate or component entities or persons.

(4) "Comptroller" means the Comptroller of the City of New York.

(5) "Contracting agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(6) "Financial assistance recipient" means any person who receives financial assistance in the amount of \$10,000 or more per year, whether discretionary, or as of right, from the City for economic, community development, job growth, or other purposes, including but not limited to cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales, and use taxes), tax increment financing by the city, filing fee waivers, or energy cost reductions. "Financial assistance recipient" shall not include any not-for-profit organization whose highest paid employee earns a salary of less than \$100,000 per year. Notwithstanding any provision of this section to the contrary, no person shall be deemed a financial assistance recipient if they do not receive financial assistance of a type that is on the list published by the Department of Finance of the city of New York, pursuant to paragraph 5 of subdivision c of this section.

(7) "Lease" means any agreement whereby a contracting agency contracts for, or leases or rents, commercial office space or facilities of 10,000 square feet or more from a non-governmental entity, but does not include leases between not-for-profit organizations and a contracting agency.

(8) "Lessor" means any person entering into a lease with a contracting agency.

(9) "Not-for-profit organization" means a corporation having tax exempt status under section 501(c)(3) of the United States Internal Revenue Code and recognized under New York state not-for-profit law.

(10) "Prevailing wage" means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the New York state labor law. As provided under section 231 of the New York state labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments in cash under rules and regulations established by the comptroller.

b. *Prevailing wage in buildings where the City leases space.*

(1) Prior to entering into a lease, the contracting agency shall obtain from the prospective lessor and submit to the comptroller a certification, executed under penalty of perjury, stating that all building service employees performing services in the building or buildings to which the lease pertains will be paid the prevailing wage for the duration of the proposed lease, the name, and address of the employer or employers of those building service employees, and the position and title of the person or persons signing the certification. The certification shall be annexed to and form a part of any prospective lease.

(2) Every lease shall contain a provision requiring that all building service employees performing services in the building or buildings to which the lease pertains shall be paid the prevailing wage, and that the lessor's failure to ensure that all building service employees receive the prevailing wage shall constitute a material breach of the lease, entitling the contracting agency to terminate the lease and otherwise pursue legal remedies that may be available.

(3) Each lessor shall be required to submit copies of records, certified under penalty of perjury to be true and accurate, for the building service employees performing services in the building or buildings to each contracting agency with every request for payment under the lease. Such records shall include the days and hours worked, and the wages paid and benefits provided to each employee. The lessor may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Every lease shall contain a provision requiring the submission, and certification of such payroll records in accordance with this section. The contracting agency must maintain this information in the agency lease file and make it available for public inspection.

(4) No later than the day on which the term of the lease begins to run, the lessor shall post a notice in a prominent location at each building to which the lease pertains, alerting the building service employees that payment of the prevailing wage is required under this section, and further setting forth the applicable prevailing wage for each job classification, along with notice that such rates are adjusted annually. Such notice shall remain posted for the duration of the lease.

c. *Prevailing Wage where City provides financial assistance.*

(1) Unless prohibited by State or federal law, as a condition to receiving any form of financial assistance from the City, a financial assistance recipient shall provide a statement to the City agency or entity providing the assistance certifying that all building service employees providing services in any building or facility in which it operates within the City shall be paid the prevailing wage, except that if the financial assistance is targeted to particular buildings or facilities, then this requirement shall only apply to the buildings or facilities to which the financial assistance pertains. The statement shall be certified by the chief executive or chief financial officer of the financial assistance recipient, or the designee of any such person, and shall be made a part of the award, grant, or assistance agreement. A violation of any provision of the certified statement shall constitute a material violation of the conditions of the award, grant, or assistance agreement.

(2) Each financial assistance recipient shall provide to the comptroller an annual certification, executed under penalty of perjury, stating that all building service employees in any building or facility in which it operates within the City, or if the assistance is targeted to particular buildings or facilities, all building service employees in any buildings or facilities to which such assistance pertains, are paid the prevailing wage. Such certification shall also include the name and address of the employer or employers of the building service employees, along with copies of records indicating the days and hours worked, and the wages paid and benefits provided to each employee. The comptroller shall maintain this information and make it available for public inspection.

(3) Each financial assistance recipient shall post a notice in a prominent location at each building for which it is required to provide the certification in paragraph 2 of subdivision c of this section, alerting the building service employees that payment of the prevailing wage is required under this section, and further setting forth the applicable prevailing wage for each job classification, along with notice that such rates are adjusted annually.

(4) After the approval or issuance of any financial assistance, the comptroller may conduct an investigation pursuant to subdivision d of this section to determine whether a financial assistance recipient is in compliance with all of its obligations under this section. Upon determining that the financial assistance recipient is not in compliance, and where no cure is effected and approved by the comptroller pursuant to paragraph 2 of subdivision d of this section, the comptroller shall provide evidence of the noncompliance to the City agency or entity that approved or issued the financial assistance, and request in writing that the City agency or entity take the appropriate actions to rescind or otherwise void the financial assistance. Upon receipt of the comptroller's request, the city agency or entity shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to: declaring the financial assistance recipient in default of the financial assistance agreement; imposing sanctions; recovering the funds advanced; or requiring repayment of any taxes or interest abated or deferred.

(5) Within one hundred eighty days of the effective date of the law that added this section, the department of finance, in consultation with the city agencies, shall publish a list of the available types of financial assistance, the recipient of which would be subject to the requirements of this section. Such list shall be updated and published as often as is necessary to keep it current.

d. *Enforcement.*

(1) It shall be a violation of this local law for any lessor, financial assistance recipient, or other person to retaliate or discriminate against any employee who makes a claim that he or she is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this local law.

(2) Whenever the comptroller has reason to believe that a worker has been paid less than the prevailing wage or has been discriminated or retaliated against in violation of this local law, or upon a verified complaint in writing from a building service employee, a former employee, or an employee's representative, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the state labor law. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 235(2) of the state labor law, instruct the relevant contracting agency to withhold any payment due to the lessor or financial assistance recipient in order to safeguard the rights of the building service employees. Based upon such investigation, hearing, and findings, the comptroller shall issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such disposition may:

(a) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the worker, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the state banking law, but in any event at a rate no less than six percent per year;

(b) direct payment of a further sum as a civil penalty in an amount not exceeding twenty-five percent of the total amount found to be due in violation of this section;

(c) direct the filing or disclosure of any records that were not filed or made available to the public as required by this section;

(d) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; and

(e) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the lessor or financial assistance recipient.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the lessor

or financial assistance recipient, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the city general revenue fund.

(3) Before issuing an order, determination, or any other disposition, the comptroller shall give notice thereof, together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person affected thereby. It shall not be a defense to any complaint that the lessor or financial assistance recipient was not the employer of the building service employees who were alleged to be underpaid. The comptroller may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.

(4) In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

(5) When, pursuant to the provisions of this section, a final disposition has been entered against a person in two instances within any consecutive six year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice, or reporting requirements of this section, such person, and any principal or officer of such person who knowingly participated in such failure, shall be ineligible to let property to or receive financial assistance from the city for a period of five years from the date of the second disposition.

(6) When a final disposition has been made in favor of an employee and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the comptroller, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the comptroller shall file a copy of such order containing the amount found to be due with the city clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the comptroller in the same manner and with like effect as that prescribed by the state civil practice law and rules for the enforcement of a money judgment.

(7) When a final disposition has been made and such disposition is in favor of an employee, such employee may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the person found to have violated this section. For any violation of this section, including failure to pay applicable wages, provide required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity, including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable or make-whole relief, reinstatement, injunctive relief, and/or compensatory damages. The court shall award reasonable attorneys' fees and costs to any complaining party who prevails in such enforcement action. Such action must be commenced within three years of the date of the final disposition of any administrative complaint or action concerning the alleged violation, or if such a disposition is reviewed in a proceeding pursuant to article 78 of the state civil practice law and rules, within three years of the termination of such review proceedings. 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.

(8) Notwithstanding any inconsistent provision of this section or any other general, specific, or local law, ordinance, city charter or administrative code, an employee affected by this law shall not be barred from the right to recover the difference between the amount paid to the employee and the amount which should have been paid to the employee under the provisions of this section because of the prior receipt by the employee without protest of wages or benefits paid, or on account of the employee's failure to state orally or in writing upon any payroll or receipt which the employee is required to sign that the wages and benefits received by the employee are received under protest, or on account of the employee's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the employee for the period covered by such payment.

e. Application to existing contracts and leases. Nothing contained herein shall operate to impair any existing contract or lease, except that extension, renewal, amendment or modification of such contract or lease occurring on or after the enactment of this local law shall make the entire contract or lease subject to the conditions specified in this section.

f. Application to previously approved financial assistance. The provisions of this section shall not apply to any financial assistance that was provided prior to the effective date of this local law, nor shall it apply to any financial assistance agreement that was entered into prior to the effective date of this local law, except that extension, renewal, amendment or modification of such financial assistance agreement occurring on or after the enactment of this local law shall make the financial assistance recipient subject to the conditions specified in this section.

g. Severability. In the event that any requirement of provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any

other person or circumstance.

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

Referred to the Committee on Finance.

Int. No. 19

By Council Members Mark-Viverito, Dickens, James, Vann, Williams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to freezing fees of those applying for J-51 benefits at the time of application.

Be it enacted by the Council as follows:

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-243.1, to read as follows:

§11-243.1 Freezing fees of those applying for J-51 benefits at the time of application. Notwithstanding any other provision of this code, any fees charged by the department of housing preservation and development or any other agency to an applicant for benefits pursuant to this subchapter may not be increased for that applicant during the period of time in which such application is being processed irrespective of any general increase in the schedule of fees.

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

Referred to the Committee on Housing and Buildings.

Res. No. 9

Resolution calling upon the New York State Legislature to pass, and the Governor to approve, legislation creating a Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City of New York and for vacant City-owned buildings.

By Council Members Mark-Viverito, Barron, Brewer, Ferreras, Fidler, James, Palma, Williams, Chin and Dromm.

Whereas, There is currently a severe shortage of affordable housing in the City of New York; and

Whereas, According to the 2008 New York City Housing and Vacancy Survey (HVS), the Citywide vacancy rate for rental apartments was only 2.88 percent; and

Whereas, The low vacancy rate is an indication of the City's affordable housing crisis; and

Whereas, The City has seen recent losses in affordable housing due to withdrawals from the Mitchell-Lama and project-based Section 8 programs, and the deregulation of rent-regulated housing; and

Whereas, Funding for the construction of new affordable housing has not kept pace with New York City's needs; and

Whereas, Affordable housing programs keep neighborhoods economically diverse and vibrant by allowing low to middle-income New Yorkers to remain residents of the City; and

Whereas, Housing associations are comprised of the owners of affordable housing developments organized pursuant to the Private Housing Finance Law and help sustain affordable housing; and

Whereas, Housing associations help improve the quality of life for tenants by serving as a collective voice for such tenants with respect to matters concerning building operations and maintenance; and

Whereas, A recent survey by the President of the Borough of Manhattan, Scott Stringer, found that some of the vacant lots and buildings in Manhattan were owned by the City of New York; and

Whereas, The New York State Legislature (the Legislature), through the creation of affordable housing programs such as the Mitchell-Lama program and other programs established in the Private Housing Finance Law, attempted to remedy a serious shortage of decent housing by providing affordable rental units for individuals and families whose incomes were too high for public housing, but not high enough to afford housing developed through private enterprise; and

Whereas, Currently, owners of Mitchell-Lama buildings are permitted to buy out their mortgages and take their buildings out of this program after 20 years, and there are thousands of apartments in buildings where property owners currently have this option; and

Whereas, Some neighborhoods in the City have seen rapid gentrification in recent years in areas where vacant lots and buildings exist; and

Whereas, Rapid gentrification may have resulted in the displacement of low and middle-income New Yorkers, severely disrupting the life of the communities where such individuals have lived; and

Whereas, Since rapid gentrification may have contributed to the displacement of some New Yorkers, and some New Yorkers residing in Mitchell-Lama buildings may be adversely affected by such opt-outs, the Legislature should create a new Mitchell-Lama program for the 21st Century analogous to the existing program, which would encourage development on vacant City-owned lots and by converting vacant City-owned buildings into residences; and

Whereas, At a time when the City is hemorrhaging affordable housing, New York State should help this housing crisis end, and ensure that it is not exacerbated by allowing vacant City-owned buildings and lots to remain vacant without providing a mechanism to turn them into affordable housing; and

Whereas, State legislation to create a new Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City and for vacant City-owned buildings, with a requirement that some of the units created be reserved for neighborhood residents who have been previously displaced, would make it easier for the City to survive this affordable housing crisis and help keep neighborhoods economically diverse and vibrant; 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 approve, legislation creating a Mitchell-Lama-type program for the 21st Century for buildings to be built on vacant lots owned by the City of New York and for vacant City-owned buildings.

Referred to the Committee on Housing and Buildings.

Res. No. 10

Resolution calling upon the Commissioner of Major League Baseball, Bud Selig, to retire number 21 in recognition of Roberto Clemente, a great baseball player and humanitarian.

By Council Members Mark-Viverito, Arroyo, Barron, Brewer, Ferreras, James, Lander, Palma, Seabrook and Williams.

Whereas, Roberto Clemente was born in Carolina, Puerto Rico on August 18, 1934, and was a legendary baseball figure, who played for the Pittsburgh Pirates from 1955 to 1972; and

Whereas, According to the Major League Baseball (MLB) organization, Roberto Clemente was an all-around superstar, winning four national batting titles and 12 Gold Gloves for fielding excellence, and was instrumental in the Pirates' victories in both the 1960 and 1971 World Series; and

Whereas, Roberto Clemente was not only an exemplary baseball player, but was also a humanitarian, dedicating himself to improving the quality of life in the city of Pittsburgh, his native country of Puerto Rico, and communities throughout Latin America, through charitable activities and baseball clinics; and

Whereas, Roberto Clemente also served as a trailblazer for future Latino baseball players by advocating for the acceptance of Latinos in baseball, and, because of his efforts, he is credited with opening doors and breaking barriers for many Latino players; and

Whereas, One of Roberto Clemente's most notable humanitarian efforts was establishing, in 1972, the Roberto Clemente Sports City in Carolina, Puerto Rico, to help disadvantaged children develop athletic skills and to prevent drug abuse; and

Whereas, Roberto Clemente tragically died on New Year's Eve in 1972, in a plane crash on his way to deliver relief supplies to earthquake victims in Managua, Nicaragua; and

Whereas, Roberto Clemente was the first Latino inducted into the National Baseball Hall of Fame in 1973, and various awards have been named in his honor to commemorate his contributions to baseball and humanitarianism; and

Whereas, Over 1 million people of Puerto Rican descent are living in New York State, of whom approximately 786,000 live in New York City; and

Whereas, The New York State Department of Parks and Recreation honored Roberto Clemente by renaming a state park in the Bronx after the famed athlete and holding annual festivities in his name; and

Whereas, Several public schools in New York City have been renamed after Roberto Clemente in recognition of his importance to the Hispanic community in the City; and

Whereas, Many grassroots activists and baseball fans have lobbied the MLB to retire Roberto Clemente's uniform number from all teams, an honor given to date to only one baseball player, Jackie Robinson; and

Whereas, Organizations like Latino Sports and Hispanics Across America have launched campaigns to collect signatures in support of retiring Roberto Clemente's number 21, to be presented to the Commissioner of the MLB, Bud Selig; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Commissioner of Major League Baseball, Bud Selig, to retire number 21 in recognition of Roberto Clemente, a great baseball player and humanitarian.

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

Res. No. 11

Resolution calling upon the New York State Legislature to amend section 399-dd of the General Business Law to allow municipalities to enact local laws regarding playground equipment, and to specifically allow the City of New York to legislate standards for such equipment for playgrounds owned and maintained by the New York City Housing Authority and further, for any city agency, included but not limited to the Department of Parks and Recreation, as well as the New York City Housing Authority, to perform a temperature test for all equipment installed in parks and playgrounds, including safety equipment and materials, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

By Council Members Mark-Viverito, Foster, James, Palma, Sanders, Williams and Dromm.

Whereas, The safety and well-being of children is a priority in New York City and ensuring this is a concern not just for parents, but for all New Yorkers; and

Whereas, The fall, spring and summer seasons bring an increase in children's outdoor activities, including the use of playgrounds at schools and in parks; and

Whereas, According to the United States Consumer Product Safety Commission (CPSC), a majority of playground-related injuries occur from April through June, with more than 200,000 children injured annually in the United States; and

Whereas, According to an article in the Daily News dated December 31, 2008, the black safety mats used in many City playgrounds can reach temperatures up to 165 degrees Fahrenheit in hot weather which, in only seconds, can cause severe burns to children's skin, such as bare feet; and

Whereas, The above-referenced article also reported that two City hospital burn units treat as many as 18 children a year who are burned on playground mats, slides and decks; and

Whereas, According to an article in The New York Times dated July 21, 2008, the Commissioner of Parks and Recreation (DPR), Adrian Benepe, stated that all of the City's parks have signs warning children and other users to wear shoes at all times while using playgrounds in order to avoid the dangers of the hot summer temperatures and reduce the risk of injury; and

Whereas, Concerned parents and children's advocacy groups have argued that the City needs to look into alternative materials to use in the City's playgrounds and make certain that the warning signs posted in playground areas be of such size and in such locations as to be beneficial to parents and children in understanding the dangers of playground equipment exposed to high temperatures; and

Whereas, Local Law 28 of 2009 mandates signs at all DPR playgrounds to read, "Warning: Some surfaces may become hot. Please take precautions with exposed skin;" and

Whereas, The Public Playground Safety Handbook, prepared by the CPSC, states that dark colored surfacing materials exposed to intense sun and heat have caused blistering on bare feet and recommends using light colored materials or providing shading to reduce direct sun exposure; and

Whereas, Under the current provisions of the New York State General Business Law section 399-dd, the authority for creating rules regarding playground equipment rests solely with the New York State Consumer Protection Board; and

Whereas, Presently, New York State Law would also not allow the City of New York to legislate playground equipment standards as they relate to playgrounds owned and maintained by the New York City Housing Authority, pursuant to Public Housing Law Section 155; and

Whereas, Nonetheless, the DPR Commissioner may mandate temperature testing consistent with New York State law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend section 399-dd of the General Business Law to allow municipalities to enact local laws regarding playground equipment, and to specifically allow the City of New York to legislate standards for such equipment for playgrounds owned and maintained by the New York City Housing Authority and further, for any city agency, included but not limited to the Department of Parks and Recreation, as well as the New York City Housing Authority, to perform a temperature test for all equipment installed in parks and playgrounds, including safety equipment and materials, and to prohibit such materials from being installed that pose a health or burn danger to exposed skin.

Referred to the Committee on Parks and Recreation.

Int. No. 20

By Council Members Mendez, Brewer, James, Koppell, Lander, Lappin, Mark-Viverito, Palma, Williams, Gentile, Arroyo, Vacca, Dromm, Oddo, Mealy, Koslowitz, Crowley and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to work permits previously issued by the department of buildings when a property is designated as a landmark.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-309.1 to read as follows:

§25-309.1 *Requests by calendared improvements.* a. An applicant for a permit from the department of buildings to construct, reconstruct, alter or demolish any improvement on a property that has been calendared for a public hearing by the commission for consideration as landmark site or interior landmark, or is within the proposed boundaries of a historic district that is under consideration by the commission, may request from the commission a certificate of no effect on protected architectural features. The provisions of section 25-306 of this chapter shall apply to such requests as if such landmark site, historic district, or interior landmark had been designated.

b. An applicant for a permit from the department of buildings to construct, reconstruct, alter or demolish any improvement on a property that has been calendared for a public hearing by the commission for consideration as a landmark site or interior landmark, or is within the proposed boundaries of a historic district that is under consideration by the commission, and an applicant for a certificate of no effect on protected architectural features filed pursuant to subdivision a of this section that was denied, may request a certificate of appropriateness. The provisions of sections 25-307, 25-308 and 25-309 of this chapter shall apply to such requests as if such landmark site, historic district, or interior landmark had been designated.

c. Certificates of no effect on protected architectural features and certificates of appropriateness issued by the commission pursuant to this section prior to the designation of the landmark site, historic district, or interior landmark for which they have been issued shall have the same force and effect as certificates of no effect on protected architectural features and certificates of appropriateness that may be issued after the designation of the landmark site, historic district, or interior landmark.

§2. Section 25-313 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The commission shall give written notice to the department of buildings of every property that has been calendared for a public hearing by the commission for consideration as a landmark site or interior landmark, or is within the proposed boundaries of a historic district that is under consideration by the commission. The commission shall, furthermore, give written notice to the department of buildings of all landmark, landmark site, interior landmark, scenic landmark and historic district designations within three days of the effective date of such designation.

§3. Section 25-321 of the administrative code of the city of New York is amended to read as follows:

§25-321 *Applicability.* The provisions of this chapter shall be [inapplicable] applicable to the construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic district or containing an interior landmark, or of any landscape feature of a scenic landmark, [where a permit for the performance of such work was issued by the department of buildings, or, in the case of a landscape feature of a scenic landmark, where plans for such work have been approved, prior to] on the effective date of the designation, or amended or modified designation, pursuant to the provisions of section 25-303 of this chapter, first making the provisions of this chapter applicable to such improvement or landscape feature or to the improvement parcel or property in which such improvement or landscape feature is or is to be located.

§4. Section 28-104.2.1 of the administrative code of the city of New York is amended to read as follows:

§28-104.2.1 Less than full examination of construction documents. The commissioner may, in the commissioner's discretion, establish a program whereby construction documents may be accepted with less than full examination by the department based on the professional certification of an applicant who is a registered design professional.

Exception: No portion of construction documents relating to property that has been calendared for a public hearing by the commission for consideration as a landmark site or interior landmark, or is within the proposed boundaries of a historic district that is under consideration by the commission may be approved unless that portion has received a full examination by the department. Upon receipt by the department from the landmarks preservation commission of a notice that a property has been calendared for public hearing, the department shall give a full examination to the construction documents relating the to property or properties identified in such notice where building permits have been issued and have not expired.

§5. Section 28-104 of the administrative code of the city of New York is amended by adding a new section 28-104.9 to read as follows:

§28-104.9 *Notice.* The commissioner shall, within three business days of receipt of an application for a permit for the construction, reconstruction, alteration or demolition of an improvement on a property that has been calendared for a public hearing by the landmarks preservation commission, forward a copy of such application to the chairperson of the landmarks preservation commission.

§6. Section 28-207 of the administrative code of the city of New York is amended by adding a new section 28-207.2.4.2 to read as follows:

§28-207.2.4.2 *Designated landmarks.* The department shall revoke all building permits and shall issue a stop work order for the construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic district or containing an interior landmark, or of any landscape feature of a scenic landmark where the construction documents for such permit do not include a certificate of no effect on protected architectural features or a certificate of appropriateness. An appeal to reinstate a building permit may be made to the board of standards and appeals not more than thirty days after the designation of the landmark site, interior landmark, historic district or scenic landmark that caused such permit to be revoked has become final pursuant to section 25-303(g) of this code. The board of standards and appeals may rescind the stop work order and authorize an extension of time on the building permit sufficient to allow the completion of the work authorized by the permit, provided that the board of standards and appeals finds that substantial performance and substantial expenditures have been made in furtherance of such permit prior to the effective date.

§7. Sections one and two of this local law shall take effect immediately upon enactment and sections three, four, five and six of this local law shall take effect ninety days after their enactment.

Referred to the Committee on Land Use.

Res. No. 12

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation amending the Public Housing Law to forego Payments in Lieu of Taxes on New York City Housing Authority City and State developments.

By Council Members Mendez, Brewer, James, Lander, Mark-Viverito, Sanders, Seabrook, Williams, Chin and Dromm.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing agency (PHA) in the country, primarily funded through federal programs; and

Whereas, NYCHA has 336 developments containing 2,607 buildings spread throughout New York City (the City); and

Whereas, NYCHA provides affordable housing for approximately 404,000 tenants residing in approximately 179,000 apartments; and

Whereas, All NYCHA developments are included in the federal public housing program except for 21 developments, originally financed with State or City funding, that are not included in the count determining NYCHA's operating or capital subsidies; and

Whereas, Testimony from the Chairman of NYCHA before the New York City Council on May 29, 2009, indicated that NYCHA's Fiscal Year (FY) 2009 operating deficit is approximately \$172 million, equivalent to the cost of operating 19,000 public housing units; and

Whereas, In FY 09 NYCHA transferred \$76 million from its capital budget to its operating budget to help balance its budget deficit, despite the fact that NYCHA has unmet capital needs; and

Whereas, NYCHA will receive only 88% of the federal funding it is entitled to from the Department of Housing and Urban Development under the federal operating fund in FY 2009, continuing the decrease in federal funding since FY 2001; and

Whereas, Pursuant to Section 21 of the Public Housing Law, a city is authorized to fix a sum which shall be paid to it annually by the Authority with respect to each project; agree that the Authority shall not pay or be liable to pay any sum whatsoever with respect to a development or developments for any year or years; or agree with the Authority to accept a fixed sum or other consideration; and

Whereas, The City entered into a Payment in Lieu of Taxes (PILOT) cooperation agreement in 1949 which has been subsequently amended and remains in effect; and

Whereas, In FY 2007, 2008 and 2009, NYCHA paid over \$26 million, \$21 million and \$20 million, respectively, in PILOTs to the City; and

Whereas, In FY 09, neither the City nor the State provided an operating subsidy to NYCHA to cover the cost of operating the 21 City and State developments; and

Whereas, It does not appear likely that the City or State will provide such an operating subsidy during FY 10 or FY 11; and

Whereas, In light of HUD's underfunding of NYCHA and the lack of an operating subsidy for the City and State developments, which contribute to NYCHA's chronic deficit, NYCHA should not be required to make PILOTs to New York City for the City and State developments; 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 amending the Public Housing Law to forego Payments in Lieu of Taxes on New York City Housing Authority City and State developments.

Referred to the Committee on Public Housing.

Res. No. 13

Resolution calling upon the New York City Housing Authority to allow Housing Court Answers to set up an assistance table for the benefit of unrepresented residents outside NYCHA housing administrative tribunal hearings.

By Council Members Mendez, Brewer, Fidler, James, Koppell, Lander, Palma, Sanders, Seabrook, Williams, Chin and Dromm.

Whereas, The New York City Housing Authority (NYCHA) is the nation's largest housing authority with 336 developments and 2,600 buildings comprising approximately 179,000 units and 404,000 authorized tenants; and

Whereas, NYCHA housing issues involving its residents, such as proceedings to terminate a tenancy, are adjudicated at NYCHA administrative tribunals before hearing officers and are not adjudicated in the City's Housing Court system; and

Whereas, Many NYCHA residents without legal counsel who have appeared before NYCHA's administrative tribunals have reportedly been deprived of their constitutional and due process rights, such as allegedly being coerced by NYCHA attorneys, before the appearance at the actual administrative hearing, to sign stipulations that are detrimental to such NYCHA residents or not in conformance with NYCHA's own Termination Procedures; and

Whereas, Housing Court Answers (HCA) is a service of the non-profit City-Wide Task Force on Housing Court (CWTFHC) which is a coalition of housing advocates that was established in 1981 to address injustices faced by indigent litigants who cannot afford an attorney to represent them in landlord/tenant proceedings in Housing Court; and

Whereas, According to HCA's website, its staff currently "collaborates with community groups, legal service providers, eviction prevention specialists, academicians, and elected officials to further the goal of justice in Housing Court as a means of abating homelessness in New York City;" and

Whereas, HCA constantly provides a presence at each of the City's Housing Courts with assistance/information tables; and

Whereas, According to HCA, its information tables annually provide assistance to approximately 60,000 people most of whom are tenants, at which HCA staff and volunteers answer questions and provide factsheets, referrals to legal service providers and other eviction prevention organizations, resources, and agencies; and

Whereas, NYCHA does not currently allow HCA to set up assistance tables outside NYCHA's administrative tribunal hearings where NYCHA tenant cases are adjudicated; and

Whereas, HCA should be allowed to set up their assistance tables in a prominent location outside NYCHA administrative tribunal hearings to provide information to tenants and help guard against possible infringements of constitutional and due process rights to which residents of NYCHA developments are entitled; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to allow Housing Court Answers to set up an assistance table for the benefit of unrepresented residents outside NYCHA housing administrative tribunal hearings.

Referred to the Committee on Public Housing.

Res. No. 14

Resolution urging the United States Congress to pass H.R. 808, the "Department of Peace Act," which would create a cabinet-level department headed by a Secretary of Peace who would advise the President on both domestic and international peace issues including non-military conflict resolution and human rights.

By Council Members Mendez, Brewer, James, Palma and Williams.

Whereas, Representative Dennis Kucinich introduced H.R. 808 in the United States House of Representatives on February 3, 2009, which would create a federal Department of Peace; and

Whereas, The bill has garnered the sponsorship of seventy-one members of the United States House of Representatives, including Representatives Yvette Clarke, Carolyn Maloney, Jerrold Nadler, Charles Rangel, Jose Serrano, and Edolphus Towns; and

Whereas, The creation of a cabinet-level United States Department of Peace would be headed by a Secretary of Peace who would advise the President on issues that are both domestic and international in scope; and

Whereas, The Department of Peace would consist of seven offices including an Office of Peace Education and Training, an Office of Domestic Peace Activities, an

Office of International Peace Activities, an Office of Technology for Peace, an Office of Arms Control and Disarmament, an Office of Peaceful Coexistence and Nonviolent Conflict Resolution, and an Office of Human Rights and Economic Rights, each of which would be responsible for developing detailed policies and curricula aimed at furthering the cause of peace at both macroscopic and microscopic levels; and

Whereas, The Department of Peace would also create an Intergovernmental Advisory Council on Peace to advise the Secretary of Peace and the President regarding intergovernmental policies relating to peace and non-violent conflict resolution; and

Whereas, Many New Yorkers maintain a strong interest in the goals of this Department of Peace, which include contributing to strong police-community relations, supporting local conflict-resolution initiatives that draw on neighborhood resources, reducing domestic, racial, ethnic, and sexual orientation-based hate crimes, and analyzing policies dealing with handguns; and

Whereas, The said Department of Peace would balance military spending with a research-based approach, would work to provide a feasible exit strategy for the current war in Iraq as well as post-conflict reconstruction and demobilization of the region, and would seek, in the words of President Franklin D. Roosevelt, "an end to the beginning of all wars;" and

Whereas, We commend the members of the New York State Congressional delegation who have signed on as co-sponsors of the proposed legislation; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass H.R. 808, the "Department of Peace Act," which would create a cabinet-level department headed by a Secretary of Peace who would advise the President on both domestic and international peace issues including non-military conflict resolution and human rights.

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

Int. No. 21

By Council Members Nelson, Foster, James, Mark-Viverito and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to identifying the location of concessions within a park.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-136 to read as follows:

§18-136 Locations of concessions in parks. a. Every concession under the jurisdiction of the commissioner occupying a ground space of greater than seventy five square feet shall have specific boundaries with the precise location of such concession indicated on a map of the park to the nearest foot. Such maps shall be publicly accessible on the city of New York's website. The boundaries of each concession shall be prominently marked on the ground by the concessionaire of such concession where such concession is situated at all times. No such concession shall be operated beyond the boundaries indicated on the ground.

b. Any person who violates the provisions of subdivision a of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for each such violation, except that no civil penalties may be imposed that are inconsistent with any penalty provisions of any concession agreement in effect at the time of enactment of this section.

§2. This local law shall take effect ninety days after enactment, except that the commissioner of parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 22

By Council Members Nelson, the Public Advocate (Mr. de Blasio), and Council Members Ferreras, Fidler, Gentile, James, Seabrook, Williams, Vacca, Dickens, Lander, Mark-Viverito, Vann, Reyna and Sanders.

A Local Law in relation to authorizing the commissioner of finance to establish a temporary parking penalty forgiveness program for the resolution of outstanding default judgments issued by the department of finance.

Be it enacted by the Council as follows:

Section 1. Temporary parking penalty forgiveness program.

a. For purposes of this section, the following definitions apply:

1. "Additional penalty" means a penalty imposed by the department of finance, pursuant to section 19-211 of the administrative code of the city of New York, for failure to respond to notices of violation.

2. "Base penalty" means, with respect to any notice of violation returnable to the department of finance, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the department of finance penalty schedule.

3. "Default judgment" means a judgment of the department of finance, pursuant to subdivision b of section 19-207 of the administrative code of the city of New York, determining a respondent's liability based upon that respondent's failure to plead within the time allowed by the rules of the department of finance or failure to appear before the department of finance on a designated hearing date or on a subsequent date following an adjournment.

4. "Department of finance" means the department of finance of the city of New York, as described in chapter 58 of the charter of the city of New York.

5. "Department of finance penalty schedule" means the schedule of penalties adopted as a rule by the department of finance or such predecessor schedule as may have applied on the date of the parking violation.

6. "Notice of Violation" means a form or duplicate thereof prepared and distributed by the department of finance substantially completed and sworn to or affirmed by authorized issuing agents which shall constitute a notice of violation when served as provided for by the rules of the department of finance.

7. "Parking violation" means the traffic infractions constituting a violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle.

8. "Resolve" means, with respect to an outstanding judgment of the department of finance, to conclude all legal proceedings in connection with a notice of violation.

9. "Respondent" means a person charged with a parking violation.

10. "Temporary parking penalty forgiveness program" means the program authorized by this section.

b. Notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary parking penalty forgiveness program for a ninety-day period, to be effective during the fiscal year of the city beginning July first, two thousand ten, to permit respondents who are subject to default judgments of the department of finance to resolve such judgments by payment of base penalties without payment of additional penalties and associated interest.

c. Eligibility to participate in the temporary parking penalty forgiveness program shall be restricted to respondents who are subject to default judgments of the department of finance, and the program shall apply only to default judgments.

d. A respondent seeking resolution of a default judgment under the temporary parking penalty forgiveness program shall admit liability for the parking violation. A default judgment may not be resolved under the temporary parking penalty forgiveness program if the respondent seeking resolution of the judgment fails or refuses to admit liability.

e. A respondent seeking resolution of a default judgment under the temporary parking penalty forgiveness program shall pay the base penalty for the parking violation that is the subject of the default judgment to be resolved. The base penalty amount shall be determined by referring to the department of finance penalty schedule. A default judgment may not be resolved under the program unless the base penalty amount of the parking violation that is the subject of the default judgment can be determined from the notice of violation, default judgment and department of finance penalty schedule alone.

f. A respondent's resolution of a default judgment under the temporary default resolution program shall constitute a waiver of all legal and factual defenses to liability for the judgment at issue. A judgment resolved under the temporary parking penalty forgiveness program shall have the same legal force and effect as any other judgment issued by the department of finance.

g. A judgment of the department of finance may not be resolved under the temporary parking penalty forgiveness program if the judgment was issued on or after January first, two thousand ten.

h. The duration of the program shall be ninety days. After the program has concluded, any default judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

i. The commissioner of finance shall publicize the temporary parking penalty forgiveness program provided in this section so as to maximize public awareness of and participation in such program.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 15

Resolution urging the State to reclassify clean or processed dredged sediment from a "solid waste" to a "beneficial use" in order to increase its potential for beneficial reuse.

By Council Members Nelson, James and Williams.

Whereas, Fine-grained sediments are transported by rivers and estuaries and eventually settle on the sea floor, creating a build up of material that interferes with safe navigation; and

Whereas, In order to maintain the New York Harbor as a world class port, it is necessary to periodically dredge the navigation channels, berthing piers, and other facilities to allow for safe clearance of modern cargo ships; and

Whereas, Historically, material from dredging was either deposited in areas of the ocean or at a disposal site on land; however, options for disposal have been limited recently due to environmental concerns with contaminated material; and

Whereas, Until 1997, New York was able to dispose of sediments in an area of the ocean called the New York Bight Dredged Material Disposal Site (the Mud Dump Site) and, after its closure to contaminated material, the site and the area surrounding it was redesignated as the Historic Area Remediation Site (HARS); and

Whereas, Because of stringent new rules established by the United States Environmental Protection Agency that restrict dumping to only uncontaminated dredged material, most of the New York region's dredging projects have become ineligible to be dumped at the HARS; and

Whereas, Due to the difficulty in obtaining the necessary permits for offshore disposal, a lack of dredged material disposal options, and the high cost of dredging and disposal, the management of dredged material has become increasingly difficult; and

Whereas, Processed and dewatered sediment with its contaminants either removed or stabilized may often be safely reused in upland projects such as for grading fill, agricultural soil, or to cap a brownfield; and

Whereas, New York State classifies all dredged material as a "solid waste" and, because of this, the sediments have a negative public perception, limiting their potential to be used for beneficial reuse projects; and

Whereas, Even though dredged material has to pass the same requirements and specifications as other fill, contractors and community members are reluctant to use it in their projects because of the stigma attached to the name "solid waste"; and

Whereas, While reuse of materials has become routine for industrial waste management, it has not become a common practice for dredged material management; and

Whereas, In order to promote the use of dredged material, processed dredged sediments should be classified and managed under regulatory provisions related to "beneficial use," in which material on this list ceases to be a "solid waste" if used for specific beneficial purposes; and

Whereas, This new classification would allow for the continued necessary testing and oversight of the material while also allowing it to be reused for other purposes; now, therefore, be it

Resolved, That the Council of the City of New York urges the State to reclassify clean or processed dredged sediment from a "solid waste" to a "beneficial use" in order to increase its potential for beneficial reuse.

Referred to the Committee on Waterfronts.

Int. No. 23

By Council Members Recchia, Gentile, James and Seabrook (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to elevator inspection fees.

Be it enacted by the Council as follows:

Section 1. The equipment inspection fee of table 28-112.7.2 of section 28-112.7.2 of the administrative code of the city of New York, as added by local law 33 of 2007, is amended to read as follows:

Table 28-112.7.2

| Inspection Type | Initial Fee | Renewal Fee | Comments |
|--|--|-------------|----------|
| Equipment inspection fee: High-pressure boiler [periodically inspected as provided by section 28-116.4] <i>periodic inspection.</i> Reinspection fee following a violation. Filing fee for report of periodic inspection of elevator and other devices. Equipment inspection fee: Each | \$65 for each inspection, for each boiler. As provided by rule. \$30 for each device. \$[65] \$100 for each inspection, for each device. | | |

| | | | |
|--|--|--|--|
| elevator or other device regulated by this code. | | | |
|--|--|--|--|

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 24

By Council Members Sanders, James and Seabrook (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education.

Be it enacted by the Council as follows:

Section 1. Paragraph ii of subdivision a of section 12-126 of the administrative code of the city of New York, as amended by local law number 76 for the year 2001, is amended to read as follows:

ii. "City retiree." A person who: (1) is receiving a retirement allowance, pension or other retirement benefit from a retirement or pension system either maintained by the city or to which the city has made contributions on behalf of such person pursuant to subdivision (g) of section 80-a of the retirement and social security law; and (2) immediately prior to such person's retirement as a member of such system, was a city employee, or was an employee of the board of education employed under terms prescribing a work week regularly consisting of twenty or more hours during the fiscal year; and (3) had at the time of retirement, at least five years of credited service as a member of such retirement or pension system, except that (A) such requirement of credited service shall not apply in cases of retirement for accident disability, [and] (B) the requirement of credited service for vested retirement and service retirement shall be at least ten years for a person who was not an employee of the city or the board of education on or before the effective date of the local law that added this clause, and (C) notwithstanding the provisions of clause (B) of this subparagraph, the requirement of credited service shall be at least fifteen years for a person who was not an employee of the board of education on or before the effective date of the local law that added this clause, is receiving a retirement allowance from the New York city teachers' retirement system or the New York city board of education retirement system, and held a position represented by the recognized teacher organization for collective bargaining purposes at any time during such person's last two years of paid service.

§2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 25

By Council Members Vallone Jr., Fidler, Gentile, Seabrook, Vacca, Williams and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules on Christmas Day as observed by the Eastern Orthodox Church.

Be it enacted by the Council as follows:

Section one. Subdivision (a) of section 19-163 of the administrative code of the city of New York is amended as follows:

§19-163 Holiday suspension of the parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, *Orthodox Christmas*, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays.

§2. This local law shall take affect immediately upon its enactment into law.

Referred to the Committee on Transportation.

Res. No. 16

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.5832/A.8726, providing for state reimbursement to all elementary and secondary schools for the cost of metropolitan commuter transportation mobility tax payments.

By Council Members Vallone Jr., Oddo, Ignizio, Halloran, Fidler, James, Lander and Vacca.

Whereas, On May 7, 2009, New York State Governor Paterson signed into law legislative bill S.5451/A.8180 as Chapter 25 of the Laws of 2009, implementing various supplemental fees and taxes for the Metropolitan Commuter Transportation District ("MCTD") in an effort to help the Metropolitan Transportation Authority ("MTA") reduce a 2009 operating budget shortfall of \$1.8 billion; and

Whereas, Chapter 25 of the Laws of 2009 requires that employers within the MCTD, including schools, pay a payroll mobility tax of 0.34 percent; and

Whereas, Chapter 25 of the Laws of 2009 also apportions State money to public school districts for full reimbursement of their payroll mobility tax payments; and

Whereas, According to the State Assembly Memorandum for Assembly Bill A.5671, Chapter 25 of the Laws of 2009 excludes non public and private elementary and secondary schools from such reimbursement; and

Whereas, Chapter 25 of the Laws of 2009 thus burdens non public and private elementary and secondary schools unequally compared to their public counterparts; and

Whereas, Non public and private elementary and secondary schools in the MCTD contribute to the City by providing alternative educational options and reducing the number of students served in public schools; and

Whereas, Assembly Bill A.5671 would amend Chapter 25 of the Laws of 2009, amending the tax law and the administrative code of the city of New York relating to the metropolitan commuter transportation mobility tax, and the education law, enabling all non public and private elementary and secondary schools to be entitled to the same payroll mobility tax reimbursements as public school districts; and

Whereas, The passage of this legislation would expand tax relief to non public and private elementary and secondary schools in the MCTD, which also play a critical role in the education of New York City's children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.5832/A.8726, providing for state reimbursement to all elementary and secondary schools for the cost of metropolitan commuter transportation mobility tax payments.

Referred to the Committee on Education.

Int. No. 26

By Council Members Vann, Brewer, James, Mark-Viverito, White, Arroyo, Williams, Gennaro and Ferreras.

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

Be it enacted by the Council as follows:

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

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class 1 property or on class 2 property that is a residential condominium or residential cooperative, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of abandoned class 1 property or abandoned class 2 property that is a residential condominium or residential cooperative, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or where the owner of such residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class 1 or on any two or three family residential real property in class 1 that is receiving an

exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date.

A tax lien or tax liens on any property classified as a class 2 property, except a class 2 property that is a residential condominium or residential cooperative, or class 3 property, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A tax lien or tax liens on a property classified as a class 4 property, as such class of property is defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component or water rents component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. A sale of a tax lien or tax liens shall include, in addition to such lien or liens that have remained unpaid in whole or in part for one year, or, in the case of any class 1 property or class 2 property that is a residential condominium or residential cooperative, when the real property tax component of such lien or liens has remained unpaid in whole or in part for three years, any taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable, a surcharge pursuant to section 11-332 of this chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

a-1. A subsequent tax lien or tax liens on a property or any component of the amount thereof may be sold by the city pursuant to this chapter, provided, however, that notwithstanding any provision in this chapter to the contrary, such tax lien or tax liens may be sold regardless of whether such tax lien or tax liens have remained unpaid in whole or in part for one year and, notwithstanding any provision in this chapter to the contrary, in the case of any class 1 property or class 2 property that is a residential condominium or residential cooperative, such tax lien or tax liens may be sold if the real property tax component of such tax lien or tax liens has remained unpaid in whole or in part for one year, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title or where the owner of such residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class 1 or on any two or three family residential real property in class 1 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class 1 has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. For purposes of this subdivision, the term "subsequent tax lien or tax liens" shall mean any tax lien or tax liens on property that become such on or after the date of sale of any tax lien or tax liens on such property that have been sold pursuant to this chapter, provided that the prior tax lien or tax liens remain unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien or tax liens. A subsequent tax lien or tax liens on any property classified as a class 2 property, except a class 2 property that is a residential condominium or residential cooperative, or class 3 property, as such classes of property are defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale. Notwithstanding any provision of this subdivision to the contrary, any such tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component. A subsequent tax lien or tax liens on a property classified as a class 4 property, as such class of property is defined in subdivision 1 of section 1802 of the real property tax law, shall not be sold by the city unless such tax lien or tax liens include a real property tax component or sewer rents component or sewer surcharges component or water rents component as of the date of the first publication, pursuant

to subdivision a of section 11-320 of this chapter, of the notice of sale, provided, however, that any tax lien or tax liens that remain unpaid in whole or in part after such date may be sold regardless of whether such tax lien or tax liens include a real property tax component, sewer rents component, sewer surcharges component or water rents component. For purposes of this subdivision, the words "real property tax" shall not include an assessment or charge upon property imposed pursuant to section 25-411 of the administrative code. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

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

a-2. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on [December] *August* first, two thousand [seven] *nine*, the water rents, sewer rents and sewer surcharges components of any tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, where such water rents, sewer rents or sewer surcharges component of such tax lien, as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale: (i) shall have remained unpaid in whole or in part for [one year] *three years*, and (ii) equals or exceeds the sum of one thousand dollars; provided, however, that such water rents, sewer rents or sewer surcharges component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such water rents, sewer rents or sewer surcharges component of such tax lien may be transferred in the manner provided by this chapter. *Beginning August 1, 2009, the commissioner of the department of environmental protection, after consultation with the commissioner of finance, shall use best efforts to identify owners of residential real property in class 1 listed in such publication eligible to receive an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or any two or three family residential real property in class 1 eligible to receive a credit pursuant to subsection (e) of section six hundred six of the tax law, and may exclude such real property from the sale of a tax lien or tax liens imposed by this subdivision. Such efforts shall include the use of public or private online databases that reliably ascertain the name and age of owners of residential real property in class 1, and the use of financial information on file at the department of finance for other exemptions, credits, and abatements that are received by such owner.*

a-3. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on [December] *August* first, two thousand [seven] *nine*, a subsequent tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for [one year] *three years*, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of one thousand dollars; provided, however, that such subsequent tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title *or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law* or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such subsequent tax lien, or any component of the amount thereof, may be transferred in the manner provided by this chapter. For purposes of this subdivision, the term "subsequent tax lien" shall mean the water rents, sewer rents or sewer surcharges component of any tax lien on property that becomes such on or after the date of sale of any water rents, sewer rents or sewer surcharges component of any tax lien on such property that has been sold pursuant to this chapter, provided that the prior tax lien remains unpaid as of the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale of the subsequent tax lien. Nothing in this subdivision shall be deemed to limit the rights conferred by section 11-332 of this chapter on the holder of a tax lien certificate with respect to a subsequent tax lien.

§ 3. Subdivisions a and f 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, are amended as follows:

a. 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] *one hundred twenty* 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. *The publication shall include information relating to the lien sale process, including, but not limited to, actions to*

take if a lien is sold on such property; type of debt that can be sold in a lien sale; timeline of statutory notifications required pursuant to this section; a clear, concise explanation of the consequences when a tax lien is sold; and credits and property tax exemptions that may exclude certain class 1 real property from a tax lien sale. Such publication shall also include information on the following credit or residential real property tax exemptions:

1. the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;
2. the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;
3. the alternate exemption for veterans pursuant to section four hundred fifty-eight-a of the real property tax law;
4. the Enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;
5. the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and
6. any other credit or residential real property tax exemption which, in the discretion of the commissioner, should be included in such publication.

Such publication shall also 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] one hundred twenty days prior to the date of sale.

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[.], and use his or her best efforts to identify and advise the commissioner of finance of any owners of two and three family residential real property in class 1 noticed for sale eligible to receive an exemption pursuant to section 11-245.3 or 11-245.4 of this title or pursuant to subdivision 4 of section four hundred twenty five of the real property tax law or any two or three family residential real property in class 1 eligible to receive a credit pursuant to subsection (e) of section six hundred six of the tax law.

§ 4. 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 by adding a new subdivision g to read as follows:

g. On a quarterly basis, the commissioner of finance shall mail to the owners of all class 1 properties and class 2 residential properties held in the condominium form of ownership information relating to the lien sale process, including, but not limited to, actions to take if a lien is sold on such property; type of debt that can be sold in a lien sale; timeline of statutory notifications required pursuant to this section; a clear, concise explanation of the consequences when a tax lien is sold; and credits and property tax exemptions that may exclude certain real property from a tax lien sale. Such mailings shall also include information on the following credit or residential real property tax exemptions:

1. the senior citizen homeowner exemption pursuant to section 11-245.3 of this chapter;
2. the exemption for persons with disabilities pursuant to section 11-245.4 of this chapter;
3. the alternate exemption for veterans pursuant to section four hundred fifty-eight-a of the real property tax law;
4. the Enhanced school tax relief (STAR) exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law;
5. the state circuit breaker income tax credit pursuant to subsection (e) of section six hundred six of the tax law; and
6. any other credit or residential real property tax exemption which, in the discretion of the commissioner, should be included in such mailing.

The information required pursuant to this subdivision shall also include a brief description of each credit or exemption program; and a phone number at the department of finance and a website address where taxpayers can obtain additional information on the credit or exemption programs and all necessary forms, publications and applications.

§ 5. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 17

Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations.

By Council Members Vann, Barron, Brewer, Fidler, James, Koppell, Lander, Mark-Viverito, Sanders, Williams, Rivera, Ferreras, Reyna, Levin, Gentile, Mendez, Jackson, Mealy and Dromm.

Whereas, Credit unions, savings banks, and savings and loan associations, were originally established to promote the encouragement of thrift by mutuality of ownership; and

Whereas, These thrift institutions, which are usually locally owned, play an active role in a community by encouraging personal savings through savings accounts and homeownership through mortgage lending; and

Whereas, The majority of states and large cities throughout the United States expressly allow for the deposit of public funds in credit unions, savings banks, and savings and loan associations; and

Whereas, In New York State, however, thrift institutions, pursuant to Section 237 of the State Banking Law and Section 10 of the General Municipal Law, are specifically prohibited from accepting deposits of public money; and

Whereas, Under current law, only commercial banks and trust companies are allowed to accept municipal deposits; and

Whereas, As a result, commercial banks enjoy a virtual monopoly over the deposits of State and local funds in New York State; and

Whereas, In the past, credit unions, savings banks, and savings and loan associations, were smaller and less secure entities that primarily served individual investors by providing investment opportunities and offering loans, particularly mortgages to residents of the communities they served; and

Whereas, Now, these institutions are now on par with commercial banks in many of the services they provide as well as the security they offer to their investors; and

Whereas, Allowing credit unions, savings banks, and savings and loan associations to accept municipal deposits would be beneficial to the communities they are serving by offering a competitive alternative to commercial banks, which are often a large corporate entity with no real affiliation or commitment to the community they serve; and

Whereas, On January 6, 2010, the New York State Assembly and the New York State Senate introduced A.8386/S.6221 and A.4370/S.1872, which allow credit unions, savings banks, and savings and loan associations to accept deposits from municipal corporations; and

Whereas, By enacting such legislation to permit the deposit of municipal funds in such institutions, the State will be helping local and State governments by expanding their financial options, while at the same time keeping these important thrift institutions viable and successful in their communities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations.

Referred to the Committee on Finance.

Int. No. 27

By Council Members White, James and Dromm.

A Local Law to amend the New York city charter, in relation to establishing a division of science and technology enterprises.

Be it enacted by the Council as follows:

Section 1. Chapter 56 of the New York city charter is amended by adding a new section 1307 to read as follows:

§1307. *Division of science and technology enterprises. a. There shall be a division of science and technology enterprises within the department through which the commissioner shall administer a citywide program to address the needs of local science and technology enterprises and to coordinate policies and services of city agencies for which such enterprises are eligible in order to spur growth in this business sector. The commissioner may request and shall receive from any agency of the city such assistance as may be necessary to carry out the provisions of this section. "Science and technology enterprise" shall include any enterprise that researches, designs, or manufactures any chemical, pharmaceutical, electronic, computer hardware, computer software, or biotechnology product.*

b. The commissioner shall promulgate such rules as are necessary to implement the purposes of this section.

c. The commissioner shall have the following powers and duties: 1. to implement and enforce this section and to coordinate and administer the programs

established pursuant to local, state and federal statute, law, rule or regulation relating to the development of science and technology enterprises;

2. to establish appropriate advisory committees;

3. to track and publish a report on the economic indicators relating to the science and technology sector in the city of New York no less frequently than every three months;

4. to deliver to the mayor and the council, on or before the fifteenth day of November two thousand ten and every year thereafter, a report on the status of the science and technology business sector in the city, a statement of the agency's strategic science and technology policy and the agency's policy goals for the following two years, a summary of the programs administered by the agency, and any legislative recommendations the commissioner may think are appropriate.

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

Referred to the Committee on Economic Development.

Int. No. 28

By Council Members White, Barron, Gentile, James, Chin and Dromm.

A Local Law to amend the administrative code of the city of New York in relation to requiring carbon monoxide detectors in certain public spaces.

Be it enacted by the Council as follows:

Section 1. Section 908.7.2 of section BC 908 of the administrative code of the city of New York is amended to read as follows:

§908.7.2 Group A-1, A-2, E, I-2 and I-4 occupancies. Listed carbon monoxide alarms or detectors shall be installed as follows:

1. Carbon monoxide alarms shall be installed within any occupied space containing carbon monoxide producing equipment and in all occupied spaces above and below the story where carbon monoxide producing equipment or enclosed parking is located.

2. Carbon monoxide detectors and audible notification appliances shall be installed within any unoccupied space containing carbon monoxide producing equipment. Such detector shall activate an audible alarm at a constantly attended location.

§2. This local law shall take effect thirty days from its enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 18

Resolution calling upon the United States Senate to pass S.557, "The National Silver Alert Act," which would encourage and integrate law enforcement communication systems through the United States to help identify and locate missing seniors with cognitive impairments.

By Council Members White, Dickens, Fidler, Foster, Gentile, James, Lappin, Sanders, Chin and Vacca.

Whereas, S.557, would establish a National Silver Alert communications network within the Department of Justice (DOJ) to assist regional and local search efforts for missing seniors; and

Whereas, The National Silver Alert Act would assign a DOJ officer to serve as the Silver Alert Coordinator to coordinate the network with states; and

Whereas, S.557 would award grants to states for support of Silver Alert plans and the network; and

Whereas, The National Silver Alert Act would define a "missing senior" as any individual who is reported as missing to or by a law enforcement agency and who meets state requirements for designation as a missing senior; and

Whereas, S.557 would authorize the U.S. Attorney General to award grants to states and local governments to provide voluntary electronic monitoring services to elderly individuals; and

Whereas, The National Silver Alert Act would reauthorize Kristen's Act, which would direct the Attorney General to make competitive grants to public agencies and/or nonprofit private organizations to maintain a national resource center and database for tracking missing adults; and

Whereas, In addition, the National Silver Alert Act provides assistance to law enforcement agencies, families, and victim advocates in locating and recovering missing adults; and

Whereas, According to the Alzheimer's Association, there are 5.3 million people nationwide living with Alzheimer's, a majority of whom are age 65 and older; and

Whereas, The Alzheimer's Association estimates that there are 250,000 people in New York City living with Alzheimer's and more than 60 percent of individuals diagnosed with the disease will wander or become lost during the course of the disease; and

Whereas, The United States House of Representatives passed the National Silver Alert Act on February 10, 2009; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to pass S.557, "The National Silver Alert Act," which would encourage and integrate law enforcement communication systems through the United States to help identify and locate missing seniors with cognitive impairments.

Referred to the Committee on Aging.

L.U. No. 1

By Council Member Comrie:

Application no. C 090042 ZMR submitted by Andrew J. Lanza., the civic Association of the Sandy Ground Area, and Pleasant Plains, Prince's Bay, Richmond Valley Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 32c, 32d, 33a and 33b.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 2

By Council Member Comrie:

Application no. N 090176 ZRR submitted by Brookside Amboy, LLC., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. No. 3

By Council Member Comrie:

Application no. C 090397 ZMX submitted by Webster Commons, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d, by changing from an R6 District to an R7X District property bounded by Webster Avenue, a line 1,910 feet northerly of East Gun Hill Road, the westerly boundary of a railroad right-of-way (New York and Harlem Line), and a line 800 feet northerly of East Gun Hill Road.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 4

By Council Member Comrie:

Application no. N 100116 HAX, an Urban Development Action Area Designation and Project, located at 151 East Tremont Avenue, Borough of the Bronx, Council District no. 14 This matter is subject to Council Review and action pursuant to §197-d of the New York City Charter and Article 16 of the General Municipal Law.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 5

By Council Member Comrie:

Application no. 20105196 HKM (N 100129 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.419,

LP-2331) by the Landmarks Preservation Commission of the Ralph and Ann E. Van Wyck Mead House as an historic landmark, Council District no.2 .

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 6

By Council Member Comrie:

Application no. 20105198 HKM (N 100130 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.419, LP-2324) by the Landmarks Preservation Commission of the Lamartine Place as a historic district, Council District no. 3.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 7

By Council Member Comrie:

Application no. 20105200 HKM (N 100123 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.418, LP-2329) by the Landmarks Preservation Commission of the Edith Andrews Logan Residence as an historic landmark, Council District no. 4.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 8

By Council Member Comrie:

Application no. 20105262 HKM (N 100160 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.422, LP-2330) by the Landmarks Preservation Commission of the E. Hayward and Amelia Parsons Ferry House as an historic landmark, Council District no.4 .

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 9

By Council Member Comrie:

Application no. 20105263 HKM (N 100161 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.421, LP-2380) by the Landmarks Preservation Commission of the B.F. Goodrich Company Building as an historic landmark, Council District no.4 .

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 10

By Council Member Comrie:

Application no. 20105264 HKM (N 100166 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2328) by the Landmarks Preservation Commission of the Aschenbroedel Verein Building as an historic landmark, Council District no.2.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 11

By Council Member Comrie:

Application no. 20105265 HKM (N 100167 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2345) by the Landmarks Preservation Commission of the 145 Eighth Avenue House as an historic landmark, Council District no. 3.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 12

By Council Member Comrie:

Application no. 20105267 HKM (N 100168 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2346) by the Landmarks Preservation Commission of the 147 Eighth Avenue House as an historic landmark, Council District no. 3.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 13

By Council Member Comrie:

Application no. 20105268 HKM (N 100169 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2342) by the Landmarks Preservation Commission of the Paramount Hotel as an historic landmark, Council District no.3.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 14

By Council Member Comrie:

Application no. 20105269 HKR (N 100170 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.423, LP-2349) by the Landmarks Preservation Commission of 327 Westervelt Avenue known as the Vanderzee-Harper House as an historic landmark, Council District no. 49.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sting and Maritime Uses).

L.U. No. 15

By Council Member Comrie:

Application no. 20105058 HAK, an Urban Development Action Area Project located at 480-482 Warwick Street, Council District no. 42 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 16

By Council Member Comrie:

Application no. 20105060 HAM, an Urban Development Action Area located at 3603-3605 Broadway, Council District no. 7 Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 17

By Council Member Comrie:

Application no. 20105212 HAX, an Urban Development Action Area Project located at 1100 Elder Avenue, Council District no. 18, Borough of the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 18

By Council Member Comrie:

Application no. 20105201 HKK (N 100141 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.421, LP-2334) by the Landmarks Preservation Commission of the Ocean on the Park Historic District as a historic district, Council District no. 41.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses

L.U. No. 19

By Council Member Comrie:

Application no. 20105186 HAK, an Urban Development Action Area Project located at 64 Harman Street, 1231 Putnam Avenue and 69 Cornelia Street, Council District no. 34 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 20

By Council Member Comrie:

Application no. 20105213 HAM, an Urban Development Action Area Project located at 342 East 100th Street, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 21

By Council Member Comrie:

Application no. 20105214 HAM, an Urban Development Action Area Project located at 310-312 West 122nd Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 22

By Council Member Comrie:

Application no. 20105272 HAR, an Urban Development Action Area Project located at 14 Hill Street, 35 and 37 Susan Court, 36A and 15 Thelma Court; Council District no. 49 Borough of Staten Island. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 23

By Council Member Comrie:

Application no. 20105273 HAQ, an amendment to an Urban Development Action Area Project located at 190-01 to 190-05 Linden Boulevard, Council District no. 27 Borough of Queens. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 24

By Council Member Comrie:

Application no. 20105274 HAK, an Urban Development Action Area Project located at 562, 564, 566, 566A, 560A and 562 A Gates Avenue, Council District no. 36 Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 25

By Council Member Comrie:

Application no. 20105283 HAM, an Urban Development Action Area Project located at 226 West 111th Street, Council District no. 9, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions

L.U. No. 26

By Council Member Comrie:

Application no. 20095549 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 10th Avenue Group, Inc. d/b/a 44th & X Hell's Kitchen to continue, to maintain and operate an unenclosed sidewalk café located at 622 Tenth Avenue, Borough of Manhattan, Council District no. 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 27

By Council Member Comrie:

Application no. 20105099 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Pam Real Thai II, Inc.. d/b/a Thai Encore to continue, to maintain and operate an unenclosed sidewalk café located at 402 West 47th Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 28

By Council Member Comrie:

Application no. N 100052 ZRM by the Department of Housing Preservation and Development, 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 IX, Chapter 6 (Special Clinton District), Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. 29

By Council Member Comrie:

Application no. C 100051 ZMM, submitted by the New York City Department of Housing and Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 8c.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. No. 30

By Council Member Comrie:

Application no. C 100053 ZSM submitted by the New York City Department of Housing and Preservation and Development., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 (a) (1) of the Zoning Resolution to allow that portion of the railroad or transit right of way in connection with a proposed mixed use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, Borough of Manhattan.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. No. 31

By Council Member Comrie:

Application no. C 100054 ZSM submitted by the New York City Department of Housing and Preservation and Development., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 (a)(1) and 74-743 (a) (2) of the Zoning Resolution to facilitate a proposed mixed use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, Borough of Manhattan.. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. No. 32

By Council Member Comrie:

Application no. C 100055 HAM, submitted by the Department of Housing Preservation and Development, an Urban Development Action Area Designation and Project, located at 592-608 Eleventh Avenue, 507-553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1) Borough of Manhattan, Council District no. 3. This matter is subject to council Review and action pursuant to § 197-c and § 197-d of the New York City Charter and Article 16 of the General Municipal Law.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. No. 33

By Council Member Comrie:

Application no. 20105118 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cantaloupe LLC d/b/a Lovely Day to continue, to maintain and operate an unenclosed sidewalk café located at 196 Elizabeth Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

L.U. No. No. 34

By Council Member Comrie:

Application no. 20105167 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ivy's Bistro LLC d/b/a Ivy's Bistro to continue, to maintain and operate an unenclosed sidewalk café located at 385 Greenwich Street, Borough of Manhattan, Council District no. 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises

At this point, the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Monday, February 8, 2010

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
 See Land Use Calendar Available Wednesday, February 3, 2010, in Room 5 City Hall
 Council Chambers – City Hall Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
 See Land Use Calendar Available Wednesday, February 3, 2010, in Room 5 City Hall
 Council Chambers – City HallBrad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
 See Land Use Calendar Available Wednesday, February 3, 2010, in Room 5 City Hall
 Council Chambers – City Hall.....Stephen Levin, Chairperson

Tuesday, February 9, 2010

★ Addition
 Committee on **CIVIL SERVICE AND LABOR**.....**10:00 A.M.**
 Organizational Meeting
 Hearing Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Committee on **HOUSING AND BUILDINGS** jointly with the
 Committee on **GENERAL WELFARE** and
 Committee on **PUBLIC HOUSING**.....**10:00 A.M.**
Oversight – The Recent Loss of Section 8 Vouchers and the Future of Section 8 in New York City
 Council Chambers – City Hall..... Erik Martin-Dilan, Chairperson
Annabel Palma, Chairperson
Rosie Mendez, Chairperson

★ Addition
 Committee on **GOVERNMENTAL OPERATIONS** **1:00 P.M.**
 Organizational Meeting
 Hearing Room – 250 Broadway, 14th FloorGale Brewer, Chairperson

Wednesday, February 10, 2010

Committee on **LAND USE**.....**10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Council Chambers – City Hall.....Leroy Comrie, Chairperson

Committee on **CONSUMER AFFAIRS****10:00 A.M.**
 Int 6 - By Council Member Garodnick --A Local Law - To amend the administrative code of the city of New York, in relation to process servers.
 Hearing Room – 250 Broadway, 14th Floor..... Karen Koslowitz, Chairperson

Committee on **AGING** **1:00 P.M.**
 Oversight - An Update to the Modernization of DFTA’s Home Delivered Meals Services
 Hearing Room – 250 Broadway, 14th FloorJessica Lappin, Chairperson

Committee on **JUVENILE JUSTICE** jointly with the
 Committee on **GENERAL WELFARE**..... **1:00 P.M.**
 Oversight - Merging the Department of Juvenile Justice and the Administration for Children Services
 Hearing Room – 250 Broadway, 16th Floor Sara M. Gonzalez, Chairperson
Annabel Palma, Chairperson

★ Addition
 Committee on **PUBLIC SAFETY**..... **12:45 P.M.**

Int 1 - By Council Members Arroyo, Vallone, Recchia and the Speaker (Council Member Quinn) - A Local Law to amend the administrative code of the city of New York, in relation to criminal street gang initiation activity.
 Council Chambers – City Peter Vallone, Chairperson

★ Addition
 Committee on **PUBLIC SAFETY** jointly with the
 Committee on **LOWER MANHATTAN REDEVELOPMENT** **1:00 P.M.**
 Oversight - The Proposed 9/11 trials in Lower Manhattan: Exploring the Ramifications and Alternatives
 Council Chambers – City Hall..... Peter Vallone, Chairperson
Margaret Chin, Chairperson

Thursday, February 11, 2010

Committee on **FINANCE****10:00 A.M.**
 Agenda to be announced
 Council Chambers – City Hall..... Domenic M. Recchia, Chairperson

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*

Friday, February 12, 2010

Committee on **YOUTH SERVICES****10:00 A.M.**
 Oversight - The Summer Jobs [SYEP] Program: An Overview and Prospects for Summer 2010
 Res. No. 2 - By Council Members Fidler and Cabrera - Resolution calling upon the New York State Legislature to fully fund summer youth employment programs.
 Res. No. 3 - By Council Members Fidler and Cabrera - Resolution calling upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.
 Council Chambers – City Hall..... Lewis A. Fidler, Chairperson

Committee on **SMALL BUSINESS****10:00 A.M.**
 Oversight - Increasing Support for Programs that Provide Technical Assistance to Small Businesses
 Hearing Room – 250 Broadway, 14th Floor..... Diana Reyna, Chairperson

★ Addition
 Committee on **VETERANS****11:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor.....Mathieu Eugene, Chairperson

★ Addition
 Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
 Agenda to be announced
 Council Chambers – City Hall Thomas White, Chairperson

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Thursday, February 11, 2010.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

