

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, MAY 12, 2010

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Wednesday, May 12, 2010, 2:32 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	David G. Greenfield	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 C. Nelson	Jumaane D. Williams

Excused: Council Members Gonzalez and White.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

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

*There were 49 Council Members present at this Stated Meeting.*

**INVOCATION**

The Invocation as delivered by Rabbi Leonard Blank, Director of Pastoral Services, Bialystoker Center for Nursing and Rehabilitation, 228 East Broadway, New York, NY 10002.

Springtime weather,

flowers blossoming, walks in our parks,  
rejuvenation of spirits, mind and body.  
Not the out of season cold temperatures  
we are now experiencing.  
Yet, just as we are confident  
warm and beautiful days are soon to come,  
we are confident with the blessings of life,  
the dedication and devotion under the leadership  
of the Speaker, Christine Quinn  
and the distinguished members  
of this New York City Council,  
there will be warmth and sunshine  
in the days and months ahead for our city.  
We are truly fortunate to have City Council members  
representing many wonderful and diverse,  
multi-cultural, multi-ethnic, religious,  
spiritual and linguistic communities,  
making New York an exceptional city.  
We are approaching the Jewish holiday of Shavuot,  
that celebrates the receiving of the Torah,  
giving much knowledge and the first roots of spring,  
brought to the Temple many years ago.  
May all the members of the New York City Council  
be filled with the blessings of goodness,  
that their devotion and efforts will also bear  
the fruit of goodwill, wisdom, ethical guidance,  
and sense of purposes, instilling unity and friendship  
to those who reside, work, play and visit New York,  
one of the greatest cities in the world.  
May the Holy One keep us safe.  
Blessings to all who are present today,  
and may there be peace throughout the world.  
Let us all say, amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals: Abelardo Nazario Virgos and Lena Horne.

Abelardo Nazario Virgos, 84, father of Council Member Sara Gonzalez, passed away on May 4, 2010 after a long illness. Mr. Virgos was born and raised in Puerto Rico, enlisted and honorably served in the Pacific during World War II, joined the Merchant Marine and later became a chemical engineer at Union Carbide. Following an explosion at work, he jumped into a tank to save a life – this incident led to a stroke which he valiantly and courageously fought until his death. He is survived by his wife, two daughters, a brother and a sister, four grandchildren and four great grandchildren.

Lena Horne, 92, one of the world's greatest entertainers, passed away in Manhattan on May 9, 2010. Ms. Horne first rose to fame as a movie performer in the 1940's, became a nightclub and recording star in the 1950's, and made a triumphant return to Broadway in 1981 with her one-woman Broadway show. When first signed by MGM, the NAACP celebrated her movie contract as a weapon in its war to obtain better movie roles for black performers. Ms. Horne, always outspoken on the subject of civil rights, became even more active in the 1960's through her participation in many protests and marches. In a message of condolence, President Barack Obama said that Lena Horne, "worked tirelessly to

further the cause of justice and equality.” She is survived by her daughter, six grandchildren and three great grandchildren. At this point, the Speaker (Council Member Quinn) yielded the floor to the Majority Whip (Council Member Vann) who spoke in praise of the late Lena Horne.

#### MESSAGES & PAPERS FROM THE MAYOR

M-90

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2011 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.**

(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.

M-91

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2011, pursuant to Section 249 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-92

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2011, pursuant to Section 249 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-93

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2011 Community Development Program, the Proposed CFY'11 Budget, the Proposed Reallocations-the CD XXXVI Funds, Proposed CD XXXVII Statement of Objectives and Budget, dated May 6, 2010.**

(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-94

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2011, pursuant to Section 250 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-95

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2011, Volumes I, II and III, pursuant to Section 219(d) 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-96

**Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2011.**

(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-97

**Communication from the Mayor - Submitting the Executive Capital Budget Fiscal Year 2011, Capital Project Detail Data, Citywide Volumes 1 and 2 and Volumes for the Five Boroughs, dated May 6, 2010 pursuant to the provisions of Sections 213 (4) & 219 (D) 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-98

**Communication from the Mayor - Submitting the Budget Summary, Message of the Mayor and Summary of Reduction Program relative to the Executive Budget, Fiscal Year 2011, pursuant to Section 249 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.

#### LAND USE CALL UPS

M-99

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 300 West 46<sup>th</sup> Street, Community Board 4, Application 20105458 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-100

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 372 Graham Avenue, Community Board 1, Application 20105445 TCK shall be subject to review by the Council.**

Coupled on Call – Up Vote



### LAND USE CALL UP VOTE

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

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Greenfield, 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, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **49**.

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

### REPORTS OF THE STANDING COMMITTEES

#### Reports of the Committee on Finance

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

Report for L.U. No. 91

**Report of the Committee on Finance in favor of approving Lafayette Manor, 226 Fillmore Street, Staten Island, Council District No. 49, Section 422 of the Real Property Tax Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

#### REPORTS:

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

May 12, 2010

TO: Hon. Domenic M. Recchia  
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of May 12, 2010-Resolution approving tax exemptions for six preconsidered Land Use Items (Council District's 1, 24, 35, 49).

HPD has submitted a request to the Council to approve six property tax exemptions for the following properties: Lafayette Manor located at 226 Fillmore Street in Council Member Rose's District, Council Towers VI located at 71<sup>st</sup> Street between Kissena and Parsons Boulevards in Council Member Gennaro's District, 58-62 Hester Street, 112-114 Eldridge Street, 28-30 Henry Street located in Council Member Chin's district, and Navy Green located in Council Member James District.

The Lafayette Manor Senior Housing Residence will be a new construction project consisting of a 5-story building that will provide 59 units of rental housing

for elderly persons of low income. The sponsor, Lafayette Manor Housing Development Fund Company, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 422 of the Private Housing Finance Law. The value of the tax exemption is projected at \$371,000 in the first year of the exemption and \$24.9 million over the 40-year length of the exemption.

The Council Towers VI Senior Housing Residence will be a new construction project consisting of a 8-story building that will provide 77 units of rental housing for elderly persons of low income. The sponsor, Council Towers VI Development Fund Corporation, will develop the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 422 of the Private Housing Finance Law. The value of the tax exemption is projected at \$463,000 in the first year of the exemption and \$30.8 million over the 40-year length of the exemption.

The Asian Americans for Equality (AAFE) will acquire and rehabilitate 90 units of rental housing for low income families at the following properties in lower Manhattan: 58-62 Hester Street, 112-114 Eldridge Street, and 28-30 Henry Street. AAFE will finance the rehabilitation with loans provided by HPD's Chinatown/Lower East Side Acquisition Program as well as private financing. In order to keep the project financially viable and provide affordable housing, HPD is requesting three separate tax exemptions for all three properties pursuant to Section 577 of the Private Housing Finance Law. The value of all three tax exemptions is projected to be \$297,000 in the first year of the exemption and \$14.1 million over the 30-year length of the exemption.

Navy Green will be a mixed use development that will a total of 458 residential units and 11,965 square feet of commercial and community facility space. Specifically, the projects calls for the development of an 8-story building with approximately 98 supportive housing units, an 8-story multifamily rental building consisting of 101 units, two 12-story multifamily rental buildings consisting of 213 units, and 23 one-to three-family homes. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 696 of the General Municipal Law. The value of the tax exemption is projected at \$1.7 million in the first year of the exemption and \$34.9 million over the 20-year length of the exemption.

This item has the approval of Council Members Chin, Gennaro, James and Rose.

Accordingly, this Committee recommends the adoption of LU Nos. 91, 92, 93, 94, 95, and 96 with their respective coupled resolutions (please see the Reports for LU Nos. 92, 93, 94, 95 and 96 for their respective resolutions printed in these Minutes; for the coupled resolution of LU No. 91, please see immediately below)

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

Res. No. 227

**Resolution to amend Res. No. 1598 which approved a partial exemption from real property taxes for property located at 226 Fillmore Street, (Block 71, Lot 117), Staten Island, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 91).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated August 15, 2008 that the Council take the following action regarding a housing project to be located at 226 Fillmore Street, (Block 71, Lot 117), Staten Island ("Exemption Area"):

**WHEREAS**, On September 4, 2008, the New York City Council adopted Res. No. 1598 for 2008 approving the partial exemption of a housing project to be located at 226 Fillmore Street, (Block 71, Lot 117), Staten Island, pursuant to Section 422 of the Real Property Tax Law;

**WHEREAS**, HPD is requesting that the Original Exemption be amended to provide for a lower minimum initial per year tax obligation than previously approved ("Amended Exemption"). The Original Project and the Original Exemption would otherwise be unchanged.

**RESOLVED:**

The Project shall be 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 hereby grants an exemption from real property taxes as follows:

- a. All of the value of the property included in the housing project, including both Disposition Area and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project.
- b. All of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$41,936, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.
- d. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

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

Report for L.U. No. 92

**Report of the Committee on Finance in favor of approving Navy Green, 136-50 Flushing Avenue, Brooklyn, Council District No. 35, 696 of the General Municipal Laws.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 91)

Accordingly, this Committee recommends its adoption.

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

Res. No. 228

**Resolution approving an exemption from real property taxes for property located at 136-50 Flushing Avenue (Block 2033, Lot 1), Brooklyn, pursuant to Section 696 of the General Municipal Law (Preconsidered L.U. No.92).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated August 17, 2009 that the Council take the following action regarding property located at 136-50 Flushing Avenue (Block 2033, Lot 1), Brooklyn (the "Project"):

Approve an exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption");

**WHEREAS**, the Council held a hearing on the Project on May 12, 2010;

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

**RESOLVED:**

The Council hereby approves, pursuant to Section 696 of the General Municipal Law, a tax exemption for the Project as follows:

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. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the portion of the project within the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law as follows:
  - a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Exemption Area to the Sponsor, 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 Exemption 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.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

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

Report for L.U. No. 93

**Report of the Committee on Finance in favor of approving 112-114 Eldridge Street, Block 413, Lot 4, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 91)

Accordingly, this Committee recommends its adoption.

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

Res. No. 229

**Resolution approving an exemption from real property taxes for property located at 112-114 Eldridge Street (Block 413, Lot 4) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 93).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 12, 2010 that the Council take the following action regarding a housing project to be located at 112-114 Eldridge Street (Block 413, Lot 4) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on May 12, 2010;

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

**RESOLVED:**

The Project shall be 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 hereby grants an exemption from real property taxes as follows:

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.

- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 413, Lot 4 on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- (e) "HDFC" shall mean Chinatown Preservation Housing Development Fund Company, Inc.

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

- (g) "Regulatory Agreement" shall mean the regulatory agreement, dated August 2, 2007, between HPD and the HDFC, which provides that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 80% of area median income.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to April 1, 2010.

4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

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

Report for L.U. No. 94

**Report of the Committee on Finance in favor of approving 28-30 Henry Street, Block 277, Lots 43 and 44, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 91)

Accordingly, this Committee recommends its adoption.

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

Res. No. 230

**Resolution approving an exemption from real property taxes for property located at 28-30 Henry Street (Block 277, Lots 43 and 44) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 94).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 12, 2010 that the Council take the following action regarding a housing project to be located at 28-30 Henry Street (Block 277, Lots 43 and 44) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on May 12, 2010;

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

**RESOLVED:**

The Project shall be 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 hereby grants an exemption from real property taxes as follows:

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 277, Lots 43 and 44 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(e) "HDFC" shall mean Chinatown Preservation Housing Development Fund Company, Inc.

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

(g) "Regulatory Agreement" shall mean the regulatory agreement, dated February 7, 2007, between HPD and the HDFC, which provides that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 80% of area median income.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.

3. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to April 1, 2010.

4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

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

Report for L.U. No. 95

**Report of the Committee on Finance in favor of approving 58-62 Hester Street, Block 298, Lot 15, Council District No. 1, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 91)

Accordingly, this Committee recommends its adoption.

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

Res. No. 231

**Resolution approving an exemption from real property taxes for property located at 58-62 Hester Street (Block 298, Lot 15) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 95).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 12, 2010 that the Council take the following action regarding a housing project to be located at 58-62 Hester Street (Block 298, Lot 15) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on May 12, 2010;

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

**RESOLVED:**

The Project shall be 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 hereby grants an exemption from real property taxes as follows:

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 298, Lot 15 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean Chinatown Preservation Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Regulatory Agreement" shall mean the regulatory agreement, dated May 18, 2007, between HPD and the HDFC, which provides that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 80% of area median income.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to April 1, 2010.
4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

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

Report for L.U. No. 96

**Report of the Committee on Finance in favor of Council Towers VI Senior Housing, Block 6792 Lot: p/o1, Queens, Council District No. 24, Section 422 of the Real Property Tax Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on May 12, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 91)

Accordingly, this Committee recommends its adoption.

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

Res. No. 232

**Resolution approving a partial exemption from real property taxes for property located at 71<sup>st</sup> Street between Kissena and Parsons Boulevards (Block: 6792, Lot: p/o1) Queens, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 96).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 12, 2010 that the Council take the following action regarding a housing project (the "Project") to be located at 71<sup>st</sup> Street between Kissena and Parsons Boulevards (Block: 6792, Lot: p/o1) Queens ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax Law (the "Tax Exemption");

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

**WHEREAS**, the Council held a hearing on the Project on May 12, 2010;

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

**RESOLVED:**

The Project shall be 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 hereby grants an exemption from real property taxes as follows:

1. All of the value of the property in the Exemption Area, including both the land and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project;
2. All of the value of the property in the Exemption Area, including both the land and improvements, (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date;
3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$56,988, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation; and
4. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO

CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 12, 2010.

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

**Report of the Committee on Governmental Operations**

Report for Int. No. 118-A

**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York City charter, in relation to requiring the mayor's office of operations to develop and disseminate a business owner's bill of rights.**

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on March 25, 2010 (Minutes, page 1006), respectfully

**REPORTS:**

**I. Introduction**

The Committee on Governmental Operations will meet on May 11, 2010 to consider Proposed Introduction 118-A ("Proposed Int. 118-A"), a local law to amend the New York City charter, in relation to requiring the Mayor's Office of Operations ("Operations") to develop and disseminate a business owner's bill of rights.

The Committee previously held a hearing on the present legislation on April 21, 2010. At that hearing, representatives of the administration, industry groups, and small business owners testified in support of the legislation and offered suggestions for other measures the City might take to assist small businesses.

**II. Background**

While the legislation under consideration would apply to all businesses that interact with City enforcement agencies, it would likely be of particular benefit to small businesses. Such small businesses are the backbone of New York City's economy, numbering around 200,000 throughout the five boroughs.<sup>1</sup> Together, these businesses account for approximately two-thirds of the New York City's private sector jobs.<sup>2</sup> For these businesses, the cost of complying with City rules and regulations can serve as a barrier to success. Some small business owners report excessive fines, discourteous inspectors and inconsistent enforcement practices.<sup>3</sup> Others insist that unreasonable enforcement standards make doing business in New York City unnecessarily burdensome.<sup>4</sup>

**III. A Business Owner's "Bill Of Rights"**

The business owner's bill of rights is largely the product of discussions of the Panel on Regulatory Review ("Panel"). The sponsor of the present legislation, Council Member Koslowitz, is a member of the Panel and serves as Chair of the Committee on Consumer Affairs. The Panel, which consists of Council Members and certain executive agency heads, was created by Local Law 45 of 2009, sponsored by Council Member James Oddo, and is a result of the Council's and Mayor's commitment to assisting small businesses with respect to regulatory burdens.

During the Panel's extensive outreach phase, many small businesses from each of the five boroughs expressed concerns regarding the City's enforcement of rules and regulations. Specifically, businesses reported: (i) discourteous inspectors; (ii) lack of a mechanism to provide feedback on inspectors and the inspection process; (iii) inconsistent enforcement of rules and regulations; (iv) lack of an opportunity to ask questions regarding inspections or relevant rules and regulations; (v) lack of information regarding their right to contest notices of violation issued during inspections; and (vi) insufficient communications from the City regarding applicable rules and regulations and changes in relevant rules and regulations.

Additionally, press reports have highlighted problems with the City's inspection process. *The New York Times*, for example, recently described a growing industry of unofficial, unregulated inspection consultants who are often hired by business owners to advise them on measures that can be taken in advance of inspections to, purportedly, reduce or eliminate the issuance of notices of violation.<sup>5</sup> Business owners quoted in the article described unreasonable City inspectors, inconsistent inspections and rules that are difficult to interpret. The Panel heard similar complaints in its meetings with business groups and business owners.

In order to address these issues and ensure that the rights of business owners are better protected, Council Member Koslowitz proposed the present legislation—a bill that would direct Operations to produce a document addressing

for the Lower Ma—

<sup>1</sup> Survey of the Citizens Budget Commission and the Federal Reserve Bank of New York, *Encouraging Small Business Success in New York City and Northern New Jersey: What Firms Value Most*, July, 29, 2005.

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

<sup>3</sup> Steven Malanga, City Journal, *Small Businesses to NYC: Get Off Our Backs!*, Fall 2009.

<sup>4</sup> *Supra* note 6.

<sup>5</sup> *For Inspection Help, Restaurateurs Turn to Consultants*, N.Y. Times, April 5, 2002, A5.

the concerns of business owners and requiring the distribution of such document to businesses throughout the five boroughs.

#### IV. Legislation

Proposed Int. 118-A would amend the New York City charter to require Operations to develop and disseminate a business owner's bill of rights. The bill of rights would be required to include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant tribunal; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; and vi) an inspector with a sound knowledge of the applicable laws, rules and regulations.

Additionally, the bill would require Operations to develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. It also directs Operations to develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of the bill of rights to business owners or managers immediately prior to, or during, an inspection.

#### V. Mayor's Office of Operations

Established pursuant to the City Charter, Operations is charged with, among other duties, evaluating agency performance, assisting agencies in improving service quality and delivery, and overseeing Mayoral and agency initiatives. Operations' cross-agency jurisdiction makes it the most appropriate entity to effectively produce and disseminate the business owner's bill of rights.

#### VI. Previous Hearing

At an April 21, 2010 hearing, the Committee heard testimony from the administration, numerous small business owners and various industry groups on the merits of the legislation. All those testifying supported the proposed legislation. The industry groups and small business owners also provided suggestions for measures that could be taken to assist the City's small business community. Various Council committees are exploring ways to address these suggestions and the present legislation is expected to be only one of a number of initiatives aimed at helping small business to thrive in the City.

(The following is from the text of the Fiscal Impact Statement for Int. No. 118-A:)

#### FISCAL IMPACT STATEMENT:

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

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

**IMPACT ON EXPENDITURES:** This legislation would have no impact on expenditures since existing resources would be used to develop and distribute the business owner's bill of rights.

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

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

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director  
John Russell, Legislative Financial Analyst

**HISTORY:** This legislation was introduced by the Council on March 25, 2010 and referred to the Committee on Governmental Operations and the Committee on Small Business. The Committee on Governmental Operations, along with the Committee on Small Business, held a joint committee hearing on April 21, 2010 with regard to this legislation, which was then laid over. The Committee on Governmental Operations will consider Proposed Intro. No. 118-A on May 11, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 118-A:)

Int. No. 118-A

By Council Members Koslowitz, Comrie, Dromm, Fidler, Nelson, Reyna, Arroyo, Crowley, White, Recchia, Van Bramer, Brewer, Ulrich, Rose, Palma, Jackson, Levin, Eugene, Sanders, Vann and Halloran.

**A Local Law to amend the New York City charter, in relation to requiring the mayor's office of operations to develop and disseminate a business owner's bill of rights.**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of Chapter 1 of the New York City charter is amended by adding a new subdivision f to read as follows:

*f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; and vi) an inspector with a sound knowledge of the applicable laws, rules and regulations.*

*2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of the bill of rights to business owners or managers prior to, during, or after an inspection.*

*3. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.*

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

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., INEZ E. DICKENS, Committee on Governmental Operations, May 11, 2010.

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

#### Report of the Committee on Housing and Buildings

Report for Int. No. 66

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to benefits pursuant to section four hundred twenty-one-a of the real property tax law.**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on March 3, 2010 (Minutes, page 665), respectfully

#### REPORTS:

#### BACKGROUND AND ANALYSIS:

On May 12, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Int. No. 66, A Local Law to amend the Administrative Code of the City of New York, in relation to benefits pursuant to section four hundred twenty-one-a of the real property tax law ("421-a"). This bill would amend the Administrative Code to modify the "commencement of construction" standard used to determine eligibility for 421-a tax benefits or when construction benefits may be "claimed." The Committee heard testimony from interested parties on this bill on April 7, 2010.

#### 421-a Program

The 421-a tax incentive program was created in 1971 to promote the construction of new multiple dwellings (with the exception of hotels) and now also the conversion of non-residential space into residential use.<sup>1</sup> The program provides a tax exemption during the construction phase and a declining tax exemption on the increase in assessed valuation<sup>2</sup> created by the construction work post-construction for a certain period.<sup>3</sup> Pursuant to authorization granted under State law, the Council

may enact local laws to amend certain aspects of eligibility to receive 421-a benefits; however, any new restriction on benefits under the 421-a program that is enacted by the City is subject to a one-year lag before it may become effective.<sup>4</sup>

During the period of construction, or for a period not more than three years immediately following the “commencement date of construction,” eligible 421-a projects receive full exemption from increases in real property taxation due to the construction of the project receiving the benefit. To be eligible for consideration to receive 421-a benefits, a new construction site must first have met one of four conditions three years prior to the start of construction. The site must have been with respect to permissible zoning either: 1) underutilized, 2) vacant, 3) predominantly vacant, or 4) improved with a non-conforming use under the Zoning Resolution. Upon completion of construction or three years after the commencement date of construction, whichever occurs sooner, the property may be eligible to receive a 10-, 15-, 20- or 25-year tax exemption. These exemptions are granted only for the new value created by the improvement. The exemption starts at 100% and is phased down to zero.

In 2006 the City (Local Law 58 of 2006) and in 2007 the State made changes to the 421-a program which, among other changes, expanded the city’s geographic exclusion areas (an area within which the project may not receive benefits unless affordable housing units are provided); required the provision of affordable housing units outside of these geographic exclusion areas when a project receives any governmental subsidy to build such project; imposed a cap on benefits; extended rent stabilization requirements and imposed certain prevailing wage requirements.<sup>5</sup> The City’s local law changes would have taken effect on December 28, 2007 but most of these new restrictions did not go into effect until July 1, 2008 because of State law changes.<sup>6</sup> Projects that are “commenced” after June 30, 2008 are subject to all new program restrictions discussed above.

Under current law and rules, projects that may be eligible for 421-a benefits must demonstrate to the City’s Housing and Preservation Department (HPD) that architectural, structural and plumbing plans have been approved, permits issued for such work and work at such site has actually commenced before construction period benefits are actually conferred.<sup>7</sup> The law provides that

“...construction shall be deemed to have commenced on the date immediately following the issuance by the department of buildings of a building or alteration permit for a multiple dwelling (based upon architectural, plumbing and structural plans approved by such department) on which the excavation and the construction of initial footings and foundations commences in good faith, as certified by an architect or professional engineer licensed in the state...”<sup>8</sup>

HPD rules effective on or after July 1, 2008 further provides that “commence” for the purposes of commencing construction shall mean:

“(a)(1) the latter to occur of (i) the date upon which a new or concrete structure to be incorporated into the multiple dwelling that shall perform a load bearing function for such multiple dwelling is installed; or (ii) the date upon which a building or alteration permit for the multiple dwelling (based upon architectural, plumbing and structural plans approved by the Department of Buildings) was issued by such department...”<sup>9</sup>

Based on industry practice, it appears that the approval of plumbing plans is typically sought near the conclusion of construction work. According to HPD, a project is currently deemed commenced and eligible for the tax benefit the day after its plumbing permit is received.

Int. No. 66

Bill section one would remove the requirement that plumbing plans for the construction of a new building or work performed to a multiple dwelling for which an alteration permit is required must be approved by the Department of Buildings (DOB) in order for a project to be eligible for 421-a tax benefits. For projects that include new residential construction and the concurrent conversion, alteration or improvement of a pre-existing building or structure, such requirement would also be eliminated if architectural and structural plans are approved by DOB and the actual construction of such work commences in good faith as certified by a registered architect or professional engineer licensed by New York State and provided that that the construction is completed without undue delay.

Bill section two provides that this law would become effective immediately and deemed to have been in full force and effect on and after December 28, 2007. By providing this retroactive date (when the City’s most recent local law changes to the program would have taken effect), this legislation would in effect allow projects that were commenced prior to July 1, 2008 to be eligible for 421-a tax benefits under the rules in effect prior to such date. Prospectively, all eligible projects would be able to receive 421-a construction benefits earlier in the construction process as a result of this bill.

However, the bill does not alter any of the requirements relating to eligibility for benefits, affordability obligations, rent stabilization requirements, the benefit cap or the prevailing wage requirements imposed by local and State law.

Update

On Wednesday, May 12, 2010 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> Section 421-a of the Real Property Tax Law (chapter 1207 of the Laws of 1971).

<sup>2</sup> Real property assessment – Pursuant to Chapter 58 of the New York City Charter, under the direction of the Commissioner of Finance assessors serve to make an assessment of real property located in the City. The term “assessment” means a determination by the assessors of (a) the taxable status of real property as of the taxable status date; and (b) the valuation of real property, including the valuation of exempt real property, and where such property is partially exempt, the valuation of both the taxable and exempt portions. New York City Charter §1506.

<sup>3</sup> However, the benefits may be obtained in some instances for the substantial rehabilitation of certain low- and moderate-income housing units when such construction is carried out pursuant to an agreement with the Department of Housing Preservation and Development as allowed under the law.

<sup>4</sup> Real Property Tax Law §421-a(2)(i).

<sup>5</sup> See Local Law 58 of 2006; Chapters 618, 619 and 620 of the Laws of 2007 and Chapter 15 of Laws of 2008.

<sup>6</sup> Chapters 618, 619 and 620 of the Laws of 2007 and Chapter 15 of Laws of 2008.

<sup>7</sup> NYC Administrative Code §11-245(d).

<sup>8</sup> NYC Administrative Code §11-245(d).

<sup>9</sup> 28 RCNY §6-09.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 66):**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11
<b>Revenues (+)</b>	(\$541,935)	(\$541,935)
<b>Expenditures (-)</b>	\$0	\$0
<b>Net</b>	(\$541,935)	(\$541,935)

**IMPACT ON REVENUES:** The legislation would retroactively grant 421-a tax benefits to housing development projects that had their architectural plans approved after December 28, 2007. The Department of Housing

Preservation and Development (HPD) identified 5 projects that applied for 421-a benefits and were deemed not to have commenced before the new 421-a restrictions took effect because their plumbing plans were not yet approved. With passage of this bill these 5 projects will be considered to have fallen into the pre-July 1, 2008 category and would receive an as-of-right 421-a benefit which ranges from 10-15 years depending on location. The total value of the 421-a tax benefits that the 5 properties will receive retroactive from December 28, 2007 is projected to be \$541,935. This payment would be made in the form of a rebate from the City general reserve fund.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on expenditures.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General reserve fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Housing Preservation and Development

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Anthony Brito, Legislative Financial Analyst

**HISTORY:** Introduced as Int. 66 by Council and referred to the Committee on Housing and Buildings on March 3, 2010. On April 7, 2010, the Committee held a hearing and Int. 66 was laid over. The bill will be considered by Committee as Proposed Int. 66 on May 12, 2010.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Int. No. 66):**

Int. No. 66

By Council Members Dilan, White, Greenfield and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to benefits pursuant to section four hundred twenty-one-a of the real property tax law.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 11-245 of the administrative code of the city of New York is amended to read as follows:



**DATE:** May 12, 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. 234

**Resolution affirming the designation by the Landmarks Preservation Commission of the West Park Presbyterian Church, located at 165 West 86<sup>th</sup> Street a.k.a. 165-167 West 86<sup>th</sup> Street and 541 Amsterdam Avenue (Tax Map Block 1217, Lot 1), Borough of Manhattan, Designation List No. 425, LP-2338 (L.U. No. 60; 20105349 HKM; N 100224 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on January 21, 2010 a copy of its designation dated January 12, 2010 (the "Designation"), of the West Park Presbyterian Church, located at 165 West 86<sup>th</sup> Street a.k.a. 165-167 West 86<sup>th</sup> Street and 541 Amsterdam Avenue, Community District 7, Borough of Manhattan, as a landmark and Tax Map Block 1217, Lot 1, 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 March 12, 2010 its report on the Designation dated March 10, 2010 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on April 20, 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, CHARLES BARRON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 6, 2010.

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

Report for L.U. No. 74

**Report of the Committee on Land Use in favor of approving Application no. 20105420 HAM, an Urban Development Action Area Project located at 167 West 129<sup>th</sup> Street, Council District no. 9 Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1362), 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>
167 West 129 <sup>th</sup> Street Manhattan	1914/1	20105420 HAM	74	Tenant Interim Lease
420 East 73 <sup>rd</sup> Street Manhattan	1467/36	20105555 HAM	84	Participation Loan

**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 L.U. No. 74.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 4, 2010

The Committee recommends that the Council 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. 235

**Resolution approving an Urban Development Action Area Project located at 167 West 129<sup>th</sup> Street (Block 1914, Lot 1), 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 (L.U. No. 74; 20105420 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 15, 2010 its request dated February 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 167 West 129<sup>th</sup> Street (Block 1914, Lot 1), Community District 10, 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 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 May 4, 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.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 6, 2010.

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

Report for L.U. No. 78

**Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 100083 HAX, an Urban Development Action Area Designation and Project, located at 1087 East Tremont Avenue, and the disposition of such property, Borough of the Bronx, Council District no. 15.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 14, 2010 (Minutes, page 1364), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 6**

**C 100083 HAX**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 1087 East Tremont Avenue (Block 3141, part of Lot 1) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

**INTENT**

To facilitate rehabilitation of an existing 4-story community facility building.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 4, 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. 236

**Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100083 HAX, approving the designation of property located at 1087 East Tremont Avenue (Block 3141, part of Lot 1), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 78; C 100083 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on April 16, 2010 its decision dated April 14, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 1087 East Tremont Avenue (Block 3141, part of Lot 1), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate rehabilitation of an existing four-story community facility building (the "Disposition"), Community District 6, Borough of the Bronx (ULURP No. C 100083 HAX) (the "Application");

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

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

**WHEREAS**, on April 27, 2010 by letter dated April 12, 2010 the Department of Housing Preservation and Development submitted its request respecting the application;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision on May 4, 2010;

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

**RESOLVED:**

Pursuant to Section 197-d, the Council approves the decision of the City Planning Commission (C 100083 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.

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 6, 2010.

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

Report for L.U. No. 80

**Report of the Committee on Land Use in favor of approving Application no. 20105301 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 356 West 44th Street Restaurant Inc. d/b/a The Irish Rogue, to continue to maintain and operate an unenclosed sidewalk café located at 356 West 44th Street, Borough of Manhattan, Council District no. 3.**

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

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20105301 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 356 West 44<sup>th</sup> St. Restaurant, Inc., d/b/a The Irish Rogue, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 356 West 44<sup>th</sup> Street, Borough of Manhattan.

**INTENT**

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

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 4, 2010

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

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

Res. No. 237

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 356 West 44<sup>th</sup> Street, Borough of Manhattan (20105301 TCM; L.U. No. 80).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 7, 2010 its approval dated April 7, 2010 of the petition of 356 West 44<sup>th</sup> St. Restaurant, Inc., d/b/a The Irish Rogue, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 356 West 44<sup>th</sup> Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on May 4, 2010; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 6, 2010.

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

Report for L.U. No. 84

**Report of the Committee on Land Use in favor of approving Application no. 20105555 HAM, an Urban Development Action Area Project located at 420 East 73rd Street, Council District no. 5, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1568), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for LU No. 74 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 238

**Resolution approving an Urban Development Action Area Project located at 420 East 73<sup>rd</sup> Street (Block 1467, Lot 36), 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 (L.U. No. 84; 20105555 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 15, 2010 its request dated March 22, 2010 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 420 East 73<sup>rd</sup> Street (Block 1467, Lot 36), Community District 8, 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**, upon due notice, the Council held a public hearing on the Project on May 4, 2010;

**WHEREAS**, the Council has considered the land use 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 in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 6, 2010.

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

Report for L.U. No. 88

**Report of the Committee on Land Use in favor of approving Application no. 20105413 HKM (N 100247 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.426, LP-2379) by the Landmarks Preservation Commission of the former Yale Club, located at 30-32 West 44th Street, as a historic landmark, Council District no.3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1569), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5**

**20105413 HKM (N 100247 HKM)**

Designation by the Landmark Preservation Commission (List No. 426/LP-2379) regarding the landmark designation of the (Former) Yale Club of New York City Building (now Penn Club of New York), located at 30-32 West 44<sup>th</sup> Street (Block 1259, Lot 54), as an historic landmark.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** May 4, 2010

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



**INTRODUCTION**

On May 11, 2010, the Committee on Parks and Recreation, chaired by Council Member Melissa Mark-Viverito, held a hearing on Proposed Int. No. 123-A, A Local Law to amend the administrative code of the city of New York, in relation to the surface areas of playgrounds and playing fields. This was the second hearing on the bill. The first hearing was held April 15, 2010. At this second hearing, the Committee voted 5-0 in favor of the bill.

**BACKGROUND**

In recent years, many of New York City's playing fields have been enduring increasing wear and tear with reduced opportunity for recovery due to so many different sports being played on them throughout most of the year. Every year has seen an increase in usage and as a result, the playing fields are becoming harder to maintain.<sup>1</sup> It has been recognized that there are advantages to the use of synthetic turf fields.<sup>2</sup> Certain turf fields are able to be used more often than grass fields, and are considered more durable than grass fields.<sup>3</sup> However, there has been much concern about possible contaminants in crumb rubber infill from recycled tires, which has been used in some of the synthetic turf fields.

In December 2008, Thomas Jefferson field, a field using crumb rubber, was closed by New York City's Department of Parks and Recreation (DPR) due to elevated levels of lead found in the field.<sup>4</sup> The field has since been replaced and reopened in spring of 2009.<sup>5</sup> Moreover, many in the scientific and health communities have expressed concern about the need for more testing of proposed field materials, as they argue that presently it has not yet been fully demonstrated that all synthetic turf fields are safe.<sup>6</sup> Also, there have been concerns about the environmental ramifications of the use of synthetic turf fields, such as off-gassing and storm water runoff.

A literature study conducted in 2008 by the New York City Department of Health and Mental Hygiene (DOHMH) of synthetic turf fields has expressed concern about whether such synthetic turf fields may become excessively hot.<sup>7</sup> Although artificial turf offers all-weather playability and lower maintenance costs than natural turf, it increases surface temperatures dramatically,<sup>8</sup> not only contributing to global warming and the local heat island effect<sup>9</sup> by absorbing sunlight and emitting heat, but possibly affecting the health of children using the fields.<sup>10</sup>

In addition, there have been reports of the dangers to small children from the heat of not only artificial turf and playground mats, but also playground equipment, in general.<sup>11</sup> Recently, in accordance with Local Law 28 of 2009, DPR placed signs in playgrounds warning of such heat dangers. At a City Council hearing in February 2009, the Committee on Parks and Recreation heard testimony from a broad array of individuals, many of who expressed support for the benefits of synthetic turf, but understood that there needed to be further scientific study to determine the best turf to use.

**Proposed Int. No. 123-A**

Proposed Int. No. 123-A would require DPR to conduct a review of surfacing for playgrounds or playing fields where any of the materials in such surfacing had not been used before as surfacing by DPR. DPR would be required to consult with DOHMH as part of this review.

The bill creates an Advisory Committee that DPR would consult with prior when such new surfacing is proposed to be used. This Advisory Committee would review whether the proposed new surfacing materials would present any health, safety or environmental risk, including whether and which of such materials retain high levels of heat, contain known carcinogens and/or toxic substances, or would have adverse environmental impacts. This Advisory Committee would be made up of nine voting members, five of whom would be appointed by the Mayor and four by the Council Speaker. In addition, the DPR Commissioner and DOHMH Commissioner, or their designees, would be non-voting members of the committee. The Advisory Committee would have individuals from a variety of areas, including the health, science and environmental fields, and the architecture field. One would have to represent groups who use City playgrounds or playing fields.

This Advisory Committee would meet with DPR prior to January 1 and July 1 of each year, with additional meetings on 20 days notice as necessary, if there was a new surfacing material contemplated, but no new surfacing material could be used unless a meeting to discuss this surfacing had occurred. DPR would have to provide a report every six months to the Advisory Committee detailing any proposed new surfacing materials, or so state if none was being contemplated. The Advisory Committee would on an ongoing basis issue reports. Reports issued by DPR and by the Advisory Committee would be posted on the City's website.

This Local Law would sunset in three years.

<sup>1</sup> New Yorkers for Parks, "A New Turf War/Synthetic Turf in New York City Parks," June 28, 2007.

<sup>2</sup> New York City Department of Health and Mental Hygiene, "Fact Sheet on Synthetic Turf Used in Athletic Fields and Play Areas," <http://www.nyc.gov/html/doh/html/eode/eode-turf.shtml>.

<sup>3</sup> Id.

<sup>4</sup> Sewell Chan, "City Shuts Field Over Lead Concern," *The New York Times*, December 24, 2008.

<sup>5</sup> Synthetic Turf Lead Results [http://www.nycgovparks.org/sub\\_things\\_to\\_do/facilities/synthetic\\_turf\\_test\\_results.html](http://www.nycgovparks.org/sub_things_to_do/facilities/synthetic_turf_test_results.html)

<sup>6</sup> Id.

<sup>7</sup> Elizabeth Denly, Katarina Rutkowski, Karen M. Vetrano, Ph.D., "A Review of the Potential Health and Safety Risks from Synthetic Turf Fields Containing Crumb Rubber Infill," Prepared for New York City Department of Health and Mental Hygiene, May 2008.

<sup>8</sup> In 2002, Brigham Young University undertook a preliminary study comparing temperatures at two newly installed fields—one FieldTurf and one sand-based natural turf. Initial results showed that the surface temperature of the synthetic field was, on average, 39 degrees higher than the natural turf and 8 degrees higher than asphalt. At its hottest point, the synthetic turf was 86.5 degrees hotter than grass. The study also found that cooling the synthetic turf with water had very little effect on its temperature. Similar results were found by researchers at Penn State, who examined the surface temperatures of several different brands of synthetic turf. On FieldTurf, the difference between surface and air temperatures was 37 degrees.

<sup>9</sup> Urban heat islands are created when grass and trees are replaced by surfaces such as rooftops and asphalt, which absorb heat. As a result, urban heat islands increase demand for energy, intensify air pollution, and increase heat-related health problems due to the increase in temperature in these locations. Artificial turf fields absorb rather than reflect sunlight, causing the fields to emit heat.

<sup>10</sup> Tom Angotti, "Greening City Schoolyards," *Gotham Gazette*, November 2007.

<sup>11</sup> Sewell Chan, "Are Playground Safety Mats Too Hot to Handle," *The New York Times*, July 21, 2008.

(The following is from the text of the Fiscal Impact Statement for Int. No. 123-A:)

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

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

**HISTORY:** Int. 123 was introduced by the Council and referred to the Committee on Parks and Recreation on March 25, 2010. Hearing held and laid over by the Committee on April 15, 2010. The amended version, Proposed Int. 123-A, will be considered by the Committee on May 11, 2010.

**DATE SUBMITTED TO COUNCIL:** March 25, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 123-A:)

Int. No. 123-A

By Council Members Mark-Viverito, Dromm, Koppell, Lander, Rodriguez, Nelson, Van Bramer, Crowley, Arroyo, Lappin, Levin, Palma, Jackson, Barron, Eugene, Garodnick and Vann.

**A Local Law to amend the administrative code of the city of New York, in relation to the surface areas of playgrounds and athletic fields.**

*Be it enacted by the Council as follows:*

Section 1. 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 Advisory committee for new surfacing materials a. For purposes of this section, "surfacing materials" shall mean infill materials, blades of synthetic turf and surfaces used under and around play equipment.*

b. The department shall on an ongoing basis consult with the department of health and mental hygiene to identify and evaluate new surfacing materials that have not been previously used for any playgrounds or athletic fields by the department to determine whether such materials may benefit the public by enhancing recreational activities and to evaluate potential health or safety impacts. In performing such an evaluation, the department shall assess reasonably available information on new surfacing materials to determine if such surfacing materials are appropriate for recreational activities in parks and meet existing safety and health standards, including, but not limited to the standards of the American society for testing and materials, the American national standards institute, and the United States consumer products safety commission guidelines set out in its "Handbook for Public Playground Safety", applicable to such materials. Such evaluation shall also include an assessment of reasonably available information regarding whether or not such materials may present any health or safety risk, including whether such materials retain high levels of heat or contain hazardous levels of known carcinogens and/or toxic substances, and of any available studies of such materials that address environmental issues. Such evaluation shall also include an assessment of alternative surfaces and technologies considered, including natural surfacing. The department shall use best efforts to locate all pertinent sources of information on any surfacing material under evaluation, provided that nothing in this section shall be construed to require the performance of an exhaustive search of all information available on any such material. The department shall at least every six months provide to the advisory committee described in this section a report regarding any evaluation of new surfacing materials intended to be used by the department and prior to such use by the department, or provide to the advisory committee a written statement that no such report exists.

c.(1) There shall be an advisory committee on the safety of new surfacing materials. The committee shall consist of nine voting members, five of whom shall be appointed by the mayor, and four of whom shall be appointed by the speaker of the council. In addition, the commissioner of the department or a designee and the commissioner of the department of health and mental hygiene or a designee shall be non-voting members. Each member of the advisory committee shall serve without compensation. Members shall serve at the pleasure of the appointing official and any vacancy shall be filled in the same manner as the original appointment. The committee shall have representatives with expertise drawn from the following subject areas: American society for testing and materials testing methods, consumer products safety commission guidelines, the environmental field, the science field, medicine and human health, landscape architecture and park planning, athletic direction and physical exercise, and the Americans with disabilities act. It shall also have at least one representative from user groups of playgrounds or athletic fields. The members shall choose a chairperson from among the voting members. The advisory committee shall meet with the commissioner or a designee prior to July first and prior to January first each year at which time the commissioner or such designee shall respond to any recommendations made by such committee pursuant to paragraph 2 of this subdivision. The location and time of such meeting shall be determined by the chairperson in coordination with the commissioner. The commissioner may also schedule a meeting of the advisory committee on twenty calendar days notice to all members of the committee. Such notice to the members of the committee shall be by electronic mail and via facsimile as available or via certified mail to the last known address of such member if neither electronic method nor facsimile is available.

(2) The advisory committee shall evaluate any report provided to it by the department pursuant to subdivision b of this section. The advisory committee may at any time make independent recommendations to the commissioner regarding proposed new surfacing materials, and may suggest means of educating the public about the appropriate and safe use of materials. The commissioner shall consider any recommendations received from the committee.

d. Recommendations of the advisory committee pursuant to subdivision c of this section and reports required by subdivision b of this section shall be sent to the mayor and the speaker of the council and shall be made available on the department's website within ten days of the release of any such reports.

e. The advisory committee shall be deemed established upon the appointment of its members and shall continue to exist until three years from the effective date of the local law that added this section, after which it shall cease to exist. Appointment of committee members shall occur within one hundred eighty days of the enactment of this section.

§ 2. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; JAMES VACCA, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks and Recreation, May 11, 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:

**(The following named individuals were appointed as Commissioners of Deeds at the Stated Council Meeting of April 29, 2010:)**

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Annette Abrams	2805 Dewey Avenue #3A Bronx, NY 10465	13
L. Byers-Bemardini	165 St. Marks Place #9B Staten Island, NY 10301	49
Tiffany Monte	260 Dixon Avenue Staten Island, NY 10303	49
Wilvina Canal	1745 Caton Avenue #4F Brooklyn, NY 11226	40
Lisa Chapman	3232 Shore Parkway #4D Brooklyn, NY 11235	48
Ismael Correa, Jr	530 est 159th Street #24 Bronx, NY 10451	17
Celia Fantattzzi	14 Paerdegat 1st Street Brooklyn, NY 11236	46
Tashika German	94-40 210th Street #3G Queens, NY 11428	23
Cirse J. Guzman	10 Post Avenue #5D New York, NY 10034	10
Vanessa Mendez	19 Cornelia Street #2B Brooklyn, 11221	34
Dana M. Morigi	106 Alverson Avenue Staten Island, NY 10309	51

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Claudette Agard	431 Winthrop Street Brooklyn, NY 11203	40
Sabrina Reyes	208 East 38th Street Brooklyn, NY 11203	40
Heysell Anaador	25 Hausman Street 2nd Fl Brooklyn, NY 11222	33
Carlton N. Lee	530 2nd Street #F6 Brooklyn, NY 11215	33
Margaret Antiaris C/O Zipperm	340 East 149th Street Bronx, NY 10461	17
Cynthia J. Davis	1015 Anderson Avenue Bronx, NY 10452	17
Sunday Ayanfodun	735 Lincoln Avenue #I3E Brooklyn, PTY 11208	42
Tamishia C. Flowers	1420 Freeport Loop #2D Brooklyn, NY 11239	42
Margaret D. Gardner	215 Cozine Avenue #1 Brooklyn, NY 11207	42
Nettie Morgan	735 Pennsylvania Avenue Brooklyn, NY 11207	42
Jacqueline Black	209-17B Hillside Avenue Queens, NY 11427	23
Radames Montalvo	94-26 214th Street Queens, NY 11428	23
Cecilia Rodriguez	234-14 Seward Avenue Queens Village, NY 11427	23
Bruce Tifeld	224-01 Hillside Avenue Queens, NY 11427	23
Jackie E. Bonner	90-10 149th Street #51, Jamaica, NY 11435	24
Kimbiley Felde,	166-05 Highland Avenue Queens, NY 11432	24

Tanizigia F. Brown	165 West 197th Street Bronx, NY 10468	14
Nydia M. Fornan	1478 Walton Avenue #2E Bronx, NY 10452	14
Shirelle Williams	2545 Sedgwick Avenue #6K Bronx, NY 10468	14
Carmen Carrion	202 West 149 <sup>th</sup> Street New York, NY 10039	7
Stanley W. Lopez	499 West 130th Street New York, NY 10027	7
Carmen Castro	133-01 Sanford Avenue #4M Flushing, NY 11355	20
Gregory Frachtman	138-49 Barclay Avenue #1A Queens, NY 11355	20
Mary Chauncey	70 East 1013th Street New York, NY 10029	8
Herbert Cruz	501 West 28th Street New York, NY 10001	3
Renee Horowitz.	365 West 25 Street # 10C New York, NY 10001	3
Dolores Curnberbatch	1192 Ocean Avenue Brooklyn, NY 11230	45
Beverly Wilson	938 Troy Avenue #2 Brooklyn, 14Y 11203	45
Carmen L. Delgado	1763 2nd Avenue #140 New York, NY 10128	5
Richard Knelling	306 East 83rd Street New York, NY 10028	5
Stephen Dickerson	2170 Madison Avenue #4D New York, NY 10037	9
Isaac Richter	340 Riverside Drive New York, NY 10025	9
Dale Welch	410 St. Nicholas Avenue #17G New York NY 10027	9
Erica Dillard	2666 Valentine Avenue #3A Bronx, NY 10458	15
Migdalia R. Ebbin	1480 Thieriot Avenue Bronx, NY 10460	18
Annmarie Edkins	132 Maple Parkway Staten Island, NY 10303	49
Patrick F. Panetta	1946 Bergen Avenue #2B Brooklyn, NY 11234	41
Barbara Jo Kimpson	329 Fetchers Avenue Brooklyn, NY 11233	41
Blanche Marie Riddick	210 East 96th Street #2F Brooklyn, NY 11212	41
Yvonne Hernandez	102-26 86th Avenue #D4 Richmond Hill, NY 11418	30
Domenico Mistretta	59-20 59th Road Maspeth, NY 11378	30
Daniel W. Iseley	24-A Cooper Place Bronx, NY 10475	12
Charles M. Jordan	120 Co-op City Blvd Bronx, NY 10475	12
Marina King	100-15 Aldrich Street #150 Bronx, NY 10475	12
Victor B. Tosi	3309 Hone Avenue Bronx, NY 10469	12
Elizabeth Johnson	190 72nd Street #191 Brooklyn, NY 11209	43
Alonzo Tones	1536 East 59th Street Brooklyn, NY 11234	46
Janne Linares	851 Quincy Avenue Bronx, NY 10465	13
Lisa Suzette' Long-Waithe	150 Crown Street #D4 Brooklyn, NY 11225	35
Evelyn Vega	284 Willoughby Avenue Brooklyn, NY 11205	35
Oneida Lopez	869 Flushing Avenue #15D Brooklyn, NY 11206	34

Maritza C. Loqui	354 South 4th Street Brooklyn, NY 11211	34
Blanca Martinez	164 Sherman Avenue #21 New York, NY 10034	10
Frank Moran <sup>o</sup>	1026 Sinclair Avenue Staten Island, NY 10309	51
Miriam Roman	343 Mosel Avenue Staten Island, NY 10306	51
Jose L. Muniz	739 Park Avenue Brooklyn, NY 11206	36
Joseph R. Paulus	34-55 12th Street Queens, NY 11106	26
Tracey Wkisanant	21-09 35th Avenue #1 Long Island City, NY 11106	26
Isabel M. Pena	253 East 10th Street #14 New York, NY 10009	2
John L. Rivera	16 Monroe Street #11A New York, NY 10002	1
Wailar R. Ilizvi	304 West 260th Street Bronx, NY 10471	11
Carolyn Stevens	112-50 20:5th Street St. Albans, NY 11412	27
Ednita Torres	104-42 129 Street Richmond Hill, NY 11419	28
Jack Washington	21-37 33rd Street Queens, NY 11105	22
Elaine Young	97-30 57th, Avenue #5 Queens, NY 11368	25
Bruce Zurnrw	1720 Shore Blvd Brooklyn, NY 11235	48

**(The following named individuals were appointed as Commissioners of Deeds at this Stated Council Meeting of May 12, 2010:)**

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Frances S. Antigone	64-49 138th Street Queens, NY 11367	24
Taminicka Burney	4118 Paulding Avenue Bronx, NY 10466	12
Joan P. Byrnes	105 Bartlett Place Brooklyn, NY 11229	46
Herminia Estela	2350 Quimby Avenue Bronx, NY 10473	18
Peter Founds	25-05 37th Street Queens, NY 11103	22
Maria Martocci	86 Kennington Street Staten Island, NY 10308	51
Lawrence A. Palladino	823 East 147th Street #26 Bronx, NY 10455	17
Jessica Roman	1030 Nelson Avenue #30 Bronx, NY 10452	17
April Reid	200 Bethel Loop #1C Brooklyn, NY 11239	42
Jennifer Salerno	12 Monroe Street #3A New York, NY 10002	1
Kiandra Venson	186-18 Williamson Avenue Queens, NY 11413	27
Desiree J. Waters	1324 Carroll Street #2H Brooklyn, NY 11213	35

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Diane Acevedo	765 1DR Drive #3B New York, NY 10009	2
Donald Neville	1 Haven Plaza #21A	2

Mary Baker	New York, NY 10009 115-12 210th Street Queens, NY 11411	27
Linda Hood	186-09 Baisley Blvd. Queens, NY 11412	27
Shanti Weston	116-40 196th Street St. Albans, NY 11412	27
Susan Been	77 Cameron Avenue Staten Island, NY 10305	50
Gina Bisogna	42 Jerome Road Staten Island, NY 10305	50
Debra Vadola	334 Colony Avenue Staten Island, NY 10306	50
Serene M. Blascovich	150-19 61st Road Queens, NY 11367	24
Roza Khaitova	86-03 144th Street Queens, NY 11435	24
Carmen Bonilla	384 Central Avenue #6 Brooklyn, NY 11221	34
Myrta R. Colon	31 Leonard Street #9G Brooklyn, NY 11206	34
John Buday	11 Windham Loop #111 Staten Island, NY 10314	51
Steven Gonzalez	14 Vanessa Lane Staten Island, NY 10312	51
Linda H. Purnell	37 Arden Avenue Staten Island, NY 10312	51
Jerome Daniel Burdi	8616 Fort Hamilton Pkwy Brooklyn, NY 11209	43
Mary Forestiere	7005 Louise Terrace Brooklyn, NY 11209	43
Chantelle Headley	15 MacKay Place #3L Brooklyn, NY 11209	43
Brunilda Rivera	902 72nd Street #3D Brooklyn, NY 11228	43
Lizbeth Ceballos	117 Post Avenue #3H New York, NY 10034	10
Ramon A. Sosa	24 Laurel Hill Terrace New York, NY 10033	10
Sandra Cruz	1020 Tiffany Street Bronx, NY 10459	17
Renee Reeves	750 Grand Concourse #1A Bronx, NY 10451	17
Milagros Cruz-Javier	825 East 233rd Street Bronx, NY 10466	12
Mary Y. Scheman	3866 Laconia Avenue Bronx, NY 10469	12
Donna Erdmann-Gruber	88-41 Doran Avenue Glendale, NY 11385	30
Roslyn Liturri	59-16 60th Lane Queens, NY 11378	30
Karen Fowler	1132 East 104 Street Brooklyn, NY 11236	42
Ernest Vasquez	596 Pine Street #2 Brooklyn, NY 11208	42
Albert Gamin	53-11 Oceania Street Queens, NY 11364	23
Edmund Golat, Jr.	93 Sawyer Avenue Staten Island, NY 10314	49
Sinai Halbertstam	1214 43rd Street Brooklyn, NY 11219	39
Daniel R. Schaffer	414 2nd Street #4B Brooklyn, NY 11215	39
Mario Tesoriero	276 Carroll Street #B Brooklyn, NY 11231	39
Martha Degbameh	7400 Shorefront Pkwy #8K Queens, NY 11692	32
Joel A. Miele Sr.	162-35 99th Street Queens, NY 11414	32
Vanessa Jones	249 Thomas Boyland Street #3K Brooklyn, NY 11233	41
Raissa Kravchunas	310 Greenwich Street #360	1

Carmen E. Lepin	New York, NY 10013 2830 Schley Avenue #6A Bronx, NY 10465	13
Victoria Vega	2180 Wallace Avenue Bronx, NY 10462	13
Carmen S. Lopez	1950 Andrews Avenue Bronx, NY 10453	14
Rose M. Madden	44 Bay 37th Street #3 Brooklyn, NY 11214	47
George Rodriguez	2064 Cropsey Avenue Brooklyn, NY 11214	47
Valentina Urintseva	445 Neptune Avenue #10B Brooklyn, NY 11224	47
Joann McErlean	31 Hausman Street Brooklyn, NY 11222	33
Mikaela Mihai	104-21 68th Drive #A13 Forest Hills, NY 11375	29
Ramona Ramirez	246 West 116th Street #5C New York, NY 10026	9
Orquidea Rivera	3530 Rochambeau Avenue Bronx, NY 10467	11
Polina Smolianski	4596 Bedford Avenue Brooklyn, NY 11235	48
Yves Vitus	345 Lincoln Place #1D Brooklyn, NY 11238	35

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

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

- (1) **Int 66 --** Benefits pursuant to section four hundred twenty-one-a of the real property tax law.
- (2) **Int 118-A --** Requiring the Mayor's office of operations to develop and disseminate a business owner's bill of rights.
- (3) **Int 123-A --** Surface areas of playgrounds and athletic fields.
- (4) **L.U. 58 & Res 233 --** App. **20105348 HKX** Dollar Savings Bank located at 2792 Third Avenue, as a historic landmark, Council District no. 17.
- (5) **L.U. 60 & Res 234 --** App. **20105349 HKM** West Park Presbyterian Church located at 165 West 86th Street, as a historic landmark, Council District no. 6.
- (6) **L.U. 74 & Res 235 --** App. **20105420 HAM, UDAAP**, 167 West 129th Street, Council District no. 9 Borough of Manhattan.
- (7) **L.U. 78 & Res 236 --** ULURP, app. **C 100083 HAX, UDAADP**, 1087 East Tremont Avenue, and the disposition of such property, Bronx, CD 15.
- (8) **L.U. 80 & Res 237 --** App. **20105301 TCM**, The Irish Rogue, unenclosed sidewalk café located at 356 West 44th Street, Manhattan, CD 3.
- (9) **L.U. 84 & Res 238 --** App. **20105555 HAM, UDAAP**, 420 East 73rd Street, Council District no. 5, Borough of Manhattan.
- (10) **L.U. 88 & Res 239 --** App. **20105413 HKM** (N 100247 HKM), Yale Club, 30-32 West 44th Street, as a historic landmark, Council District no.3.
- (11) **L.U. 89 & Res 240 --** App. **20105414 HKM** (N 100248 HKM), 143 Allen Street House, 143 Allen Street, as a historic landmark, Council District no. 1.
- (12) **L.U. 91 & Res 227 --** Lafayette Manor, 226 Fillmore Street, Staten Island, Council District No. 49, Section 422 of the Real Property Tax Law.
- (13) **L.U. 92 & Res 228 --** Navy Green, 136-50 Flushing Avenue, Brooklyn, Council District No. 35, 696 of the General Municipal Laws.

- (14) **L.U. 93 & Res 229 --** 112-114 Eldridge Street, Block 413, Lot 4, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.
- (15) **L.U. 94 & Res 230 --** 28-30 Henry Street, Block 277, Lots 43 and 44, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.
- (16) **L.U. 95 & Res 231 --** 58-62 Hester Street, Block 298, Lot 15, Council District No. 1, Section 577 of the Private Housing Finance Law.
- (17) **L.U. 96 & Res 232 --** Council Towers VI Senior Housing, Block 6792 Lot: p/o1, Queens, Council District No. 24, Section 422 of the Real Property Tax Law.
- (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, Greenfield, 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, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

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

The following was the vote recorded for **LU No. 60 & Res No. 234:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Jackson, James, 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, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) –47.

**Negative** – Ignizio and Koo – 2.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 66, 118-A, and 123-A.*

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

## RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote Res. No. 7

**Report of the Committee on Aging in favor of approving a 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.**

The Committee on Aging, to which the annexed resolution was referred on February 3, 2010 (Minutes, page 203), respectfully

## REPORTS:

### INTRODUCTION

On Tuesday May 11, 2010, the Committee on Aging, chaired by Council Jessica Lappin, will hold a vote on Resolution No. 7, which would call upon Congress to authorize a one-time \$250 economic stimulus payment for Social Security and Supplemental Security Income beneficiaries in 2010.

### BACKGROUND

Social Security was established in 1935 to provide American workers with protection from the total loss of wages when they retired.<sup>1</sup> The program was amended in 1939 to pay benefits to spouses, widowed spouses, and children of retired or deceased workers, and amended again in 1956 to provide benefits for workers with disabilities and their families.<sup>2</sup> To date, it continues to be the most successful social program in the United States. Social Security is the largest single source of income among seniors with 69% receiving more than half of their income

from Social Security.<sup>3</sup> As of 2007, Social Security paid benefits to 86% of individuals aged 65 and older and to 89% of households in which the householder or the householder's spouse was 65 or older.<sup>4</sup> Additionally, for 41% of senior recipients and 29% of senior households, Social Security accounted for more than 90% of total income in 2007.<sup>5</sup>

Social Security is also the largest single source of income among seniors with 69% receiving more than half of their income from Social Security in 2007.<sup>6</sup> Additionally, for 41% of senior recipients and 29% of senior households, Social Security accounted for more than 90% of total income in 2007.<sup>7</sup> One-third of people aged 65 and less than one-half of senior households, received income from a private or public pension.<sup>8</sup> Among seniors who reported income from a government pension, the median pension income was \$16,629 and those receiving private pensions reported a median pension of \$7,200.<sup>9</sup>

### New York City Seniors and Income

Social Security is crucial towards keeping many New York seniors from falling into poverty. In 1959, the poverty rate among Americans age 65 and older was 35%.<sup>10</sup> Fortunately, due to increases in Social Security benefits, the national elderly poverty rate fell to about 15% by 1975.<sup>11</sup> Furthermore, the percentage of seniors in poverty nationwide has stayed steady at roughly 10% since the mid-1990s.<sup>12</sup> Despite the decrease in senior poverty over the last five decades, almost 3.6 million Americans age 65 and older had family incomes below the federal poverty threshold in 2007.<sup>13</sup> The current poverty threshold for individuals age 65 and older is \$9,994 and \$12,550 for a householder age 65 and older.<sup>14</sup>

Older women are disproportionately impacted by poverty. This is largely due to the result of a lifetime of lower wage earnings, absence from the labor market due to childbirth, and jobs that are less likely to have employer-sponsored retirement plans.<sup>15</sup> The poverty rate for women is almost double that of older men. Over 2.3 million women over the age of 65 live at or below the poverty line, while slightly over 1 million of older men live in poverty.<sup>16</sup>

Seniors of color are also more likely than their white counterparts to experience poverty. Seniors of color are less likely than whites to receive private retirement benefits and are far less likely to have asset income, including interest on bank accounts and investments, dividends, rental income on property, and estates and trusts.<sup>17</sup> However, many seniors of color have Social Security benefits which raise their incomes above the poverty line.<sup>18</sup> Despite the significant impact Social Security has on seniors of color, 21% of African American seniors are living below the poverty line as well as 17% of Hispanic seniors and 12% of Asian seniors.<sup>19</sup>

There are three major sources of income for people 65 and older in New York City: 1) Social Security which is received by 85% of seniors comprising 38% of total income. 2) personal assets received by 47% seniors comprising 18.5% of total income. 3) pensions, which are received by 25% of seniors, comprising 14% of total income.<sup>20</sup> Social Security accounts for approximately 80 to 90% of income for people in the lowest two-fifth of the income spectrum, yet the current average Social Security benefit is \$1,158.10 a month for a retired worker.<sup>21</sup> Social Security is often inadequate to cover the high cost of living in New York City and seniors who depend primarily on this benefit for income are vulnerable to poverty. Further, the low incomes of the City's senior population directly affect their ability to afford basic necessities such as housing, food, and healthcare cost.

### The Social Security Cost of Living Adjustment (COLA)

Since 1975, the Social Security Act has directed that benefit increases for Social Security and SSI recipients be provided for by way of an automatic cost of living adjustment (COLA), tied to the inflation rate.<sup>22</sup> The COLA is provided to recipients 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 prior year to the third quarter of the current year.<sup>23</sup> The COLA increases a recipient's benefit by an amount approximately equal to the annual COLA percentage increase. Prior to 1975, benefit increases were set by way of federal legislation.<sup>24</sup>

As a result of the economic downturn, Social Security and Supplemental Security Income (SSI) beneficiaries will not receive a Cost of Living Adjustment (COLA) for 2010.<sup>25</sup> There was no increase in the CPI-W from the third quarter of 2008 to the third quarter of 2009.<sup>26</sup> As a result, there was no automatic COLA in 2010 for the first time since the automatic COLA went into effect in 1975.<sup>27</sup> In light of the income needs of many seniors who depend on Social Security Benefits and COLAs, President Obama in October 2009 called on Congress to authorize a second \$250 stimulus check for Social Security recipients, in order to partially offset the impact on those who won't receive a COLA.<sup>28</sup>

Resolution No. 7, which is being considered by the Committee, would call upon Congress to pass legislation that would authorize a one time \$250 stimulus payment for Social Security beneficiaries in order to offset the loss of a COLA increase this year.

<sup>1</sup> Women's Institute for a Secure Retirement: "Women and Social Security," 2008, available at [http://www.wiserwomen.org/pdf\\_files/Women\\_and\\_SocialSecurity.pdf](http://www.wiserwomen.org/pdf_files/Women_and_SocialSecurity.pdf).

<sup>2</sup> Id.

<sup>3</sup> Congressional Research Service (CRS) Report for Congress: "Income and Poverty Among Older

Americans in 2007," Updated October 2008, available at [http://assets.opencrs.com/rpts/RL32697\\_20081003.pdf](http://assets.opencrs.com/rpts/RL32697_20081003.pdf)

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> *Supra* note, 3

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Congressional Research Service (CRS) Report for Congress: "Income and Poverty Among Older Americans in 2007," Updated October 2008, available at [http://assets.opencrs.com/rpts/RL32697\\_20081003.pdf](http://assets.opencrs.com/rpts/RL32697_20081003.pdf)

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> U.S. Census: "Poverty Thresholds for 2007 by Size of Family and Number of Related Children Under 18," available at <http://www.census.gov/hhes/www/poverty/threshld/thresh07.html>. The term "householder" refers to the person (or one of the people) in whose name the housing unit is owned or rented (maintained) or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees. If the house is owned or rented jointly by a married couple, the householder may be either the husband or the wife. The person designated as the householder is the "reference person" to whom the relationship of all other household members, if any, is recorded. This definition is available at <http://www.census.gov/population/www/cps/cpsdef.html>.

<sup>15</sup> Cawthorne, Alexandra: "Elderly Poverty: The Challenge Before Us," Center for American Progress, July 30, 2008, available at [http://www.americanprogress.org/issues/2008/07/elderly\\_poverty.html](http://www.americanprogress.org/issues/2008/07/elderly_poverty.html).

<sup>16</sup> Id.

<sup>17</sup> *Supra* note, 4.

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Department for the Aging (DFTA): "Annual Plan Summary April 2010-March 2011," September 2009, available at [http://www.nyc.gov/html/dfta/downloads/pdf/annual\\_plan1011-09.pdf](http://www.nyc.gov/html/dfta/downloads/pdf/annual_plan1011-09.pdf).

<sup>21</sup> Id.

<sup>22</sup> See Social Security Website <http://www.ssa.gov/OACT/COLA/colasummary.html>

<sup>23</sup> Id.

The Consumer Price Index (CPI) measures the average change over time in prices paid by urban consumers for a representative market basket of goods and services. The CPI-U and the CPI-W are the two most widely used indexes. The CPI-U (Consumer Price Index for Urban Wage Earners) represents the spending of 87 % of the population including the self-employed, unemployed, professionals, the poor and retired people. The CPI-W (Consumer Price Index for Urban Wage Earners and Clerical Workers) is a subset of the CPI-U population that derives more than half of their income from clerical or wage occupations. There is also a CPI-E (Consumer Price Index-Experimental), which captures the spending of persons age 62 and older.

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id. In 2009, the COLA increase was 5.8%.

<sup>28</sup> See Article, Jackie Calmes, "Obama Seeks \$250 Check for Retirees and Veterans," *New York Times*, October 15, 2009.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 7:)**

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, Nelson, Arroyo, Rose, Van Bramer, White, Eugene and Vann.

**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.

JESSICA S. LAPPIN, Chairperson; GALE A. BREWER, VINCENT J. GENTILE, MARIA DEL CARMEN ARROYO, MELISSA MARK-VIVERITO, JAMES VACCA, MARGARET S. CHIN, KAREN KOSLOWITZ, DEBORAH L. ROSE, DAVID G. GREENFIELD, PETER A. KOO, Committee on Aging, May 11, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 7** to be adopted.

Adopted unanimously by the Council by voice vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 205

By Council Members Arroyo, Foster and Vann (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York in relation to school nurses.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b and c of section 17-187 of the administrative code of the city of New York, as added by local law number 57 for the year 2004, are amended to read as follows:

b. Primary Schools. The department shall provide on a full-time basis at least one nurse at each public and private primary school which i) had at least [two] *three* hundred students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse be provided; and iii) maintains, pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse can carry out his or her nursing duties.

c. Intermediate Schools. The department shall provide at least one nurse, provided that a nurse has not been provided pursuant to subdivision b of this section, or public health advisor or school health service aide, as appropriate, at each public and private intermediate school which i) had at least [two] *three* hundred students enrolled on the last day of the second month of the preceding school year; ii) submits a written request to the department that such nurse or public health advisor or school health service aide be provided; and iii) maintains pursuant to any rules promulgated by the commissioner, an appropriate medical room wherein such nurse or public health advisor or school health service aide can carry out his or her duties.

§2. This local law shall take effect on July 1, 2010.

Referred to the Committee on Health.

Int. No. 206

By Council Members Arroyo, Comrie, Fidler, White and Jackson.

**A Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-123 of chapter 1 of title 17 of the administrative code of

the city of New York is amended to read as follows:

§[17-123]17-124 Aliens. The commissioner may send to such place as he or she may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any communicable disease. The expense of the support of such aliens or other persons shall be defrayed by the city, unless such aliens or other persons shall be entitled to support from the commissioner of immigration and naturalization of the United States.

§2. Section 17-185 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 2004, is renumbered section 17-196.

§3. The heading of section 17-190 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 63 for the year 2005, is added to read as follows:

§17-190 *Deaths of homeless persons and homeless shelter residents; report.*

§4. Subchapter 1 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

§5. Subchapter 5 of chapter 3 of title 17 of the administrative code of the city of New York is REPEALED.

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

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

Int. No. 207

By Council Members Arroyo and Jackson.

**A Local Law to amend the administrative code of the city of New York, to repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-337 of chapter 3 of title 17 of the administrative code of the city of New York, as added by local law number 14 for the year 1966 is REPEALED and REENACTED to read as follows:

§17-337 *Air quality standards for compressed air in underwater breathing tanks. Compressed air to be used in tanks for underwater breathing that are offered for sale, sold, or distributed in the city of New York, shall, at a minimum, meet the air quality standards for grade e air of the compressed gas association publication "G-7.1-2004, commodity specification for air," or a more stringent standard as may be determined by the department.*

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

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

Int. No. 208

By Council Members Barron, Foster, Mendez, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the criteria used to determine when to launch an investigation into the whereabouts of a missing person.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Intent and Findings. The City Council hereby finds and declares that the criteria used to determine when to commence an immediate investigation into the whereabouts of missing persons must be expanded. The circumstances surrounding the tragic and untimely death of Ms. Romona Moore, a 21-year old, bright and ambitious Hunter College student from Canarsie, demonstrate the necessity for this reform.

Current police practice in the City of New York requires an immediate investigation of a person reported missing who is (a) under 16 years of age; (b) 65 years of age or older; (c) mentally or physically impaired to the extent hospitalization is required; (d) senile, retarded or disabled and not capable of self-care or clear communication; (e) a possible victim of drowning; (f) absent in a "unique/unusual" case; or (g) absent under circumstances indicating unaccountable or involuntary disappearance. If a person does not fit into one of these enumerated categories, an immediate investigation is not required. The New York City Police Department's (NYPD) Missing Persons Squad is to be notified regarding the progress of the missing persons search within a reasonable time, which the NYPD defines as within four hours but no later than the end of the tour, but the case itself is not referred to this special unit until seven days have elapsed.

The deficiencies in these immediate investigation criteria are reflected in Romona Moore's case. Ms. Moore did not fit within any of the categories of persons enumerated in the NYPD's Patrol Guide, and thus an investigation did not

commence until three days after the filing of a missing person's report by her family. Despite the insistence of her family that her case was unusual and unique because her habits and patterns were

well known to them, the police did not immediately commence a search. This failure to search had tragic consequences; the young woman's body was found only a few blocks from her home just one week after her she was reported missing. Information vital to Ms. Moore's disappearance may have been recovered and she may be alive today if such an investigation was launched upon notice of her disappearance.

Law enforcement officials acknowledge that the first 24 to 72 hours is crucial in locating a person who is missing; after that time, the prospects of locating a person become dim. To ensure that the tragedy that befell Romona Moore does not occur again, the Council finds that the age at which an immediate missing persons investigation is required must be increased to 25, that the NYPD must consider whether an absence is inconsistent with a person's usual patterns, habits and schedule as known by family, friends and acquaintances, and that a missing persons case must be referred to the NYPD's Missing Person's Squad after three days.

§2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-152 to read as follows:

§14-152. *Missing Persons Investigations*

a. *This provision shall be known and may be cited as Romona Moore's Law.*

b. *The New York City Police Department shall immediately investigate and/or search, without any waiting period whatsoever, for persons who are New York City residents, reported to be missing, and who are:*

i. *under 26 years of age; or*

ii. *mentally/physically impaired to the extent that hospitalization may be required; or*

iii. *senile, retarded or disabled and not capable of self-care or clear communication; or*

iv. *65 years of age or older; or*

v. *missing under circumstances which constitute a unique/unusual case; or*

vi. *missing under circumstances indicating unaccountable or involuntary disappearance; or*

vii. *a possible drowning victim.*

c. *In determining whether a person is missing under circumstances indicating unaccountable or involuntary disappearance, or in a unique or unusual case, the police department shall, in addition to other factors, consider whether such an absence is inconsistent with a person's usual patterns, habits and schedule as known by friends, acquaintances or family.*

d. *An immediate investigation or search is not required for persons wanted for crimes, or persons wanted on warrants, or persons eighteen years of age or older, who have left home voluntarily because of domestic, financial or similar reasons.*

e. *Upon receiving a missing persons report, the bureau within the New York City Police Department that receives the report shall immediately notify the New York City Police Department's Missing Persons Squad. In addition, if the person is still missing after 72 hours, the bureau that received the report shall refer the case to the New York City Police Department's Missing Persons Squad.*

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

Referred to the Committee on Public Safety.

Int. No. 209

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

**A Local Law in relation to the removal or deactivation of fire department alarm boxes.**

*Be it enacted by the Council as follows:*

Section 1. Notwithstanding any provision of any local law to the contrary, any fire department alarm box may be removed, deactivated or otherwise rendered unusable at the discretion of the mayor.

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 210

By Council Members Crowley and Halloran (by request of the Mayor)

**A Local Law to amend the administrative code of the city of New York, in relation to establishing fees for certain probation services.**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

*Chapter 2*

*Department of Probation*

*§ 9-201 Probation administrative fee.*

*a. In accordance with section 257-c of the executive law, any individual currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article thirty-one of the vehicle and traffic law shall pay to the department of probation an administrative fee of thirty dollars per month.*

*b. The provisions of subdivision six of section 420.10 of the criminal procedure law shall govern for purposes of collection of the administrative fee.*

*c. The administrative fee authorized by this subdivision shall not constitute, nor be imposed, as a condition of probation.*

*d. The department of probation shall waive all or part of the administrative fee where, because of the indigence of the offender, the payment of the administrative fee would work an unreasonable hardship on the person convicted, his or her immediate family, or any other person who is dependent on such person for financial support.*

*e. In the event of non-payment of any fees that have not been waived by the department of probation, the city of New York may seek to enforce payment in any manner permitted by law for enforcement of a debt.*

*f. Monies collected pursuant to this section shall be utilized for probation services by the department of probation.*

*Section 9-202 Investigation fee.*

*a. In accordance with section 252-a of the family court act, when ordered by the court to conduct an investigation pursuant to section six hundred fifty-three of the family court act, the department of probation shall receive an investigation fee of not less than fifty dollars and not more than five hundred dollars from the parties in such proceeding for performing such investigation.*

*b. Such investigation fee shall be determined by the court based on the party's ability to pay the fee, and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the New York state division of probation and correctional alternatives.*

*c. The court, in its discretion, may waive the investigation fee when the parties lack sufficient means to pay the fee.*

*d. The court shall apportion the investigation fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.*

*e. Fees pursuant to this section shall be paid directly to the department of probation to be retained and utilized for local probation services.*

§ 2. This local law shall take effect immediately, provided that the provisions of section 9-201 of the administrative code of the city of New York, as added by section one of this local law, shall apply to any individual currently serving or who shall be sentenced to a period of probation and such fee shall become due and owing on the first day of the first calendar month occurring at least ninety days after the effective date of this local law and thereafter on the first day of the calendar month, and provided further that the provisions of section 9-202 of the administrative code of the city of New York, as added by section one of this local law, shall apply to an investigation ordered by the court on or after the effective date of this local law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 211

By Council Members Dilan, Chin, Comrie, Foster, Koppell, Koslowitz, Mendez, Rodriguez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the wattage of electric lighting fixtures in certain public parts of multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Section 2038 of title 27 of the administrative code of the city of New York is amended to read as follows:

§27-2038 Electric lighting fixtures in certain public parts of dwellings; fixtures and lights required. a. In every multiple dwelling and tenant-occupied two-family dwelling, the owner shall provide electric lighting fixtures for every public hall, stair, fire stair and fire tower on every floor, in accordance with the following requirements:

(1) If an incandescent lighting fixture is provided, it shall be capable of providing illumination of at least ten watts per [twenty-five] *twenty* square feet of floor area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than sixty watts. Where, under this requirement, the number of watts per fixture would exceed one hundred, one or more additional

fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the farthest intersecting wall does not exceed [twenty] *fifteen* feet.

(2) If a fluorescent lighting fixture is provided, it shall be capable of providing illumination of at least four watts cool white fluorescent light per [twenty-five] *twenty* square feet of floor area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than twenty watts. Where, under this requirement, the number of watts per fixture would exceed forty, one or more additional fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the farthest intersecting wall does not exceed [twenty] *fifteen* feet.

(3) In every multiple dwelling hereafter erected, in addition to other lighting requirements, a sufficient number of incandescent or fluorescent fixtures shall be provided so that the distance between fixtures is not more than thirty feet and so that no wall is more than fifteen feet distant from a fixture.

b. The department may approve electric lighting for public halls, stairs, fire stairs and fire towers other than the incandescent and fluorescent lighting required in subdivision a of this section if such other method of electric lighting provides equivalent illumination, and meets the requirements of the electrical code.

c. Notwithstanding any other requirement of this section, the department may require fixtures to be so located, and additional fixtures to be installed, in order to assure that every part of every public hall, stair, fire stair or fire tower is adequately lighted.

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

Referred to the Committee on Housing and Buildings.

Int. No. 212

By Council Members Dilan, Foster, Koppell, Lappin, Rodriguez, Vann, Halloran, Koo, Nelson and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to training building inspectors.**

*Be it enacted by the Council as follows:*

Section 1. Article 103 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new section 28-103.21 to read as follows:

§28-103.21 *Inspectors.* *The commissioner shall provide training and instruction to all persons appointed as inspectors on the interpretation and application of the zoning resolution, building code, electrical code, other construction codes, multiple dwelling law and other related statutes, laws, rules and regulations, construction safety standards and fire safety practices. Inspectors assigned or designated to inspect or monitor major building excavation, construction or demolition, as defined in chapter 33 of this code, shall also be provided training and instruction in site safety standards which shall be equivalent or superior to the 8-hour course requirement for those seeking a site safety coordinator certificate. Inspectors who perform inspections with respect to specialized activities including, but not limited to, activities related to the design, erection, operation and dismantling of cranes, the manufacture and use of concrete and related structures, and the construction, operation and maintenance of elevators, shall also be trained with respect to those specialized activities. Such training programs shall be periodically reviewed and revised to include any relevant changes to technology, equipment, construction techniques, laws or standards, as is applicable.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 213

By Council Members Eugene, Foster, Rodriguez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to permissible parking at senior centers.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§19-162.3 *Permissible parking at senior centers.* (a) *For the purposes of this section "senior citizen center" shall mean a multi-purpose community facility with regular operating hours and staff that provide a variety of health, social, nutritional, and educational services and recreational activities for senior citizens.*

(b) Notwithstanding any local law, regulation or rule to the contrary, but subject to the provisions of the vehicle and traffic law, the department shall designate the roadway adjacent to the front entrance of a senior citizens center as a senior center parking area, solely for the use of any passenger vehicle owned, registered or leased by a senior citizen who attends a senior citizen center between the hours of 10:00 a.m. and 3:00 p.m. on days when such senior citizen center is open for services and activities, provided that such vehicle displays an appropriate vehicle permit in accordance with the rules of the department.

(c) For a senior citizen center where the department determines that it is not feasible to designate a parking area adjacent to the front entrance, the department shall designate a senior center parking area for senior citizens who attend such senior citizen center's services at a distance no greater than one block from the senior citizen center's front entrance.

(d) A senior center may petition the department for a time extension, no greater than 2 hours for its senior center parking area at least two weeks before the date for which such extension is requested.

(e) The hearing officer shall dismiss any notice of violation issued to the owner of a passenger vehicle parked in a designated senior citizen center parking area upon receipt from the owner, in person or by mail, other suitable evidence showing compliance with the law, including evidence showing that the owner of such passenger vehicle was a senior citizen and evidence of attendance by such senior at a service or activity at a senior center.

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

Referred to the Committee on Aging.

Res. No. 218

**Resolution calling upon the Human Resources Administration to change its rules to allow Public Administrators to act as organizational friends.**

By Council Members Fidler, Foster and Dickens.

**Whereas**, Veterans provide an invaluable service to the United States of America and its citizens; and

**Whereas**, To show the respect and gratitude of the country's citizens, veterans who die while not on active duty are entitled to receive burial benefits, which include a gravesite with perpetual care at any of the national cemeteries that have available space, a government headstone or marker, a burial flag and a Presidential Memorial Certificate, at no cost to the family; and

**Whereas**, Veterans of the United States Armed Forces, and their dependents, are eligible for burial in a Department of Veterans' Affairs national cemetery provided that the veteran was discharged under conditions other than dishonorable; and

**Whereas**, If an indigent veteran dies in a Veterans' Affairs hospital or under Veterans' Affairs contracted home care, some or all of the costs for transporting the decedent's remains to a national cemetery may be reimbursed; and

**Whereas**, If an indigent veteran dies outside of a Veterans Affairs' hospital or is not under Veterans' Affairs contracted home care, he or she would not qualify for the transport benefit upon death, which results in some veterans, who are unclaimed at death, failing to be transported to a national veterans cemetery, even though they are eligible to be buried there; and

**Whereas**, The New York City Human Resources Administration is granted the power by the New York Social Services law to provide for the care, removal and burial of the body of deceased indigent veterans who die in New York City; and

**Whereas**, The New York City Human Resources Administration allows either individuals or organizations acting as an organizational friend to apply for funds to cover the burial, including transportation costs, of indigent decedents; and

**Whereas**, The Office of the Public Administrator frequently administers the estates of indigent deceased, including indigent deceased veterans; and

**Whereas**, The New York City Human Resources Administration specifically excludes the Office of the Public Administrator from acting as an organizational friend permitted to apply for funds to cover the burial, including transportation costs, of indigent decedents; and

**Whereas**, Because the Office of the Public Administrator cannot seek funds from the Human Resources Administration, indigent deceased veterans are frequently buried at Hart Island, otherwise known as Potter's Field; and

**Whereas**, If the Human Resources Administration would allow Public Administrators to act as organizational friends, indigent deceased veterans could be buried in a national cemetery, reflecting the honor owed to them for their sacrifice; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Human Resources Administration to change its rules to allow Public Administrators to act as organizational friends.

Referred to the Committee on Veterans.

Res. No. 219

**Resolution calling on the New York State Senate to pass S.2244 and the New York State Assembly to pass companion bill A.9989, which would create a rehabilitation program of civic service, education, and job training to assist non-violent felony offenders reintegrate successfully into society.**

By Council Members Foster, Chin, Comrie, Dickens, Dromm, Fidler, Koppell, Lander, Mark-Viverito, Mendez, Rodriguez, Vann and Williams.

**Whereas**, According to the United States Department of Justice, in 2008, over 2.3 million people were incarcerated in federal or state prisons or in local jails; and

**Whereas**, Nearly 650,000 people are released annually from incarceration to communities nationwide; and

**Whereas**, Studies show that between fifteen percent and twenty-seven percent of prisoners expect to go to homeless shelters upon release from prison; and

**Whereas**, Nearly two-thirds of all prisoners released from state prisons are likely to be rearrested for a felony or serious misdemeanor within three years after release; and

**Whereas**, Increased recidivism has profound collateral consequences, including public health risks, homelessness, unemployment, and disenfranchisement; and

**Whereas**, Participation in state correctional education programs lowers the likelihood of reincarceration by twenty-nine percent according to a United States Department of Education study; and

**Whereas**, A significant number of people under correctional control have committed a nonviolent felony offense; and

**Whereas**, Nonviolent felony offenders who complete their prison sentences or terms of probation or parole often find it difficult to reintegrate successfully into society because their records prevent them from securing employment and providing for their families; and

**Whereas**, S.2244, currently pending in the New York State Senate, and companion bill A.9989, currently pending in the New York State Assembly, seek to reintegrate certain ex-offenders into society who have demonstrated the ability to live within the law; and

**Whereas**, S.2244/A.9989 seek to remove the stigma associated with a criminal conviction by permitting any eligible person, provided at least five years have passed since his or her completion of any sentence resulting from a conviction, and provided that certain specified programmatic criteria are met, to apply to have all records relating to a covered prosecution or conviction sealed; and

**Whereas**, Such an application for a sealed record must be made to the Second Chance Commission, to be comprised of individuals appointed by the Governor, Temporary President of the Senate, Speaker of the Assembly, and the New York District Attorney's Association; and

**Whereas**, Such sealed conviction, according to the terms of S.2244/A.9989, will not disqualify such person from engaging in any occupation, profession or calling and will permit an individual to answer "no" to the question of whether he or she has ever been convicted of a felony or misdemeanor; and

**Whereas**, S.2244/A.9989 seek to establish "The Second Chance Program", which intends to give individuals who have been convicted of a nonviolent felony or misdemeanor an opportunity to rebuild their lives without the stigma of a public criminal record; and

**Whereas**, Individuals seeking to have their records sealed shall have complied with the Second Chance Program, which includes at least one year of public service, the attainment of a GED or high-school diploma, and, where deemed necessary, the successful completion of an alcohol or substance treatment program; and

**Whereas**, Such a sealing of a criminal record would assist in securing employment and thus help graduates of the Second Chance Program to provide for a family as productive citizens of society; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Senate to pass S.2244 and the New York State Assembly to pass companion bill A.9989, which would create a rehabilitation program of civic service, education, and job training to assist non-violent felony offenders reintegrate successfully into society.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 220

**Resolution calling on the Mayor of the City of New York to examine how the City's economic policies can be strengthened to address the disparate unemployment rate and joblessness of black New Yorkers which have increased due to the current recession.**

By Council Members Foster, Chin, Comrie, Mendez, Rodriguez and Vann.

**Whereas**, Throughout history, the unemployment rate and joblessness for Blacks have been higher than for Whites; and

**Whereas**, Unemployment figures capture individuals available for and actively seeking work during the survey period and joblessness reflects individuals who are completely detached from the labor market, no longer seeking employment upon the belief that opportunities do not exist; and

**Whereas**, According to a report released by the former New York City Comptroller William Thompson, the unemployment rate in New York City will reach 9.5 percent by 2010, leaving 400,000 New Yorkers jobless; and

**Whereas**, The same report indicates that from the first quarter of 2008 to the first quarter of 2009, Black unemployment in New York City rose four times faster than for any other group; and

**Whereas**, During the same time period, the Comptroller report indicates that Black unemployment in the City rose from 5.7 percent to 14.7 percent, an increase of 167 percent, while White unemployment went up less than 1 percentage point from 3.0 percent to 3.7 percent; and

**Whereas**, Data of the Community Service Society indicates that among the job sectors hardest hit by the recession are construction, manufacturing, and the retail trade, fields where many low-wage, Black workers have historically found work; and

**Whereas**, Government jobs have traditionally been a source of stable work for Black New Yorkers, but falling tax revenue has forced the City to cut back on its budget, impacting the number of jobs available and in some cases resulting in layoffs; and

**Whereas**, Advocates indicate that unemployment statistics mask the real extent of the problem because the government does not count as unemployed those people who have given up looking for work after the administration of the prior unemployment survey, which is conducted every month, nor does it include those who are long-time jobless; and

**Whereas**, Factors contributing to unemployment and joblessness include education background and accessibility to training and retooling opportunities; and

**Whereas**, Although the City has some policies in place to address unemployment and joblessness factors in the City, such policies should be strengthened and expanded to specifically address skyrocketing Black unemployment rates; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York to examine how the City's economic policies can be strengthened to address the disparate unemployment rate and joblessness of black New Yorkers which have increased due to the current recession.

Referred to the Committee on Civil Service and Labor.

Int. No. 214

By Council Members Garodnick and Vann (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the enhanced 911 emergency telephone system surcharge.**

*Be it enacted by the Council as follows:*

Section 1. Section 11-2322 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended by adding new subdivisions (f) and (i) and amending existing subdivisions (f) and (g) to read as follows:

(f) "Public safety agency" means a public safety agency as defined in subdivision five of section three hundred one of the county law.

[(f)](g) "Service supplier" [means a telephone corporation which provides local exchange access service within the 911 service area] means a service supplier as defined in subdivision seven of section three hundred one of the county law that provides service within the 911 service area.

[(g)](h) "System costs" means the costs associated with obtaining and maintaining the telecommunication equipment, all operations and maintenance costs and the telephone services costs necessary to establish and provide an E911 system.

(i) "Voice over internet protocol service" or "VOIP service" shall mean any service that (i) enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol compatible customer premises equipment (CPE); and (iv) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

§ 2. Section 11-2323 of the administrative code of the city of New York, subdivisions (a) and (c) as amended by local law number 16 for the year 2002 and subdivision (b) as added by local law number 94 for the year 1991, is amended to read as follows:

§ 11-2323 Establishment of surcharge for E911 system. (a) In accordance with the provisions of article six of the county law, as amended, there is hereby established a surcharge of one dollar per telephone access line, or equivalent, per month on the customers of every [telephone] service supplier within the city of New York.

(b) The surcharge imposed by subdivision (a) of this section shall be used to pay for the costs associated with obtaining, operating and maintaining the telecommunication equipment and telephone services needed to provide an enhanced 911 emergency telephone system to [service] serve the city of New York.

(c) All [telephone] service suppliers [which] that provide local access service within the 911 service area in the city of New York shall begin to add the monthly surcharge of one dollar per telephone access line per month as provided in subdivision (a) of this section to all service bills no later than the forty-fifth day after the effective date of the local law that increased such surcharge to one dollar per telephone access line per month. *Notwithstanding the foregoing sentence, all providers of voice over internet protocol service that provide such service within the 911 service area shall begin to add the monthly surcharge of one dollar per telephone access line, or equivalent, per month as provided in subdivision (a) of this section to all service bills no later than the forty-fifth day after the effective date of the local law that added this sentence.*

§ 3. Subdivision (b) of section 11-2324 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

(b) No such surcharge shall be imposed upon:

(1) more than seventy-five exchange access lines per customer per location;

(2) any lifeline customers of a local telephone service supplier; [or]

(3) [the access lines of the] a public safety agency; or

(4) any municipality, as defined in subdivision (e) of section 11-2322 of this chapter.

§ 4. Subdivision (a) of section 11-2326 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

(a) Each service supplier customer who is subject to the provisions of this chapter shall be liable to the city for the surcharge until it has been paid to the city, except that payment to a service supplier is sufficient to relieve the customer from further liability for such surcharge.

§ 5. Subdivision (b) of section 11-2327 of the administrative code of the city of New York, as added by local law number 94 for the year 1991, is amended to read as follows:

(b) If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary [and expended] for payment of system costs in such fiscal year, such [unencumbered cash surplus] excess shall be reserved and carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such [unencumbered cash surplus] E911 reserved fund balance exceeds an amount equal to five per cent of that necessary for the payment of system costs in such fiscal year, the council shall by local law reduce the surcharge for the following fiscal year to a level [which] that more adequately reflects the system cost requirements of its E911 system. The council may also reestablish or increase such surcharge, subject to the provisions of section three hundred three of the county law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

§ 6. This local law shall take effect 10 days after it shall have become a law, provided, however, that the commissioner of finance may, prior to such date, take any actions necessary to implement this local law on such date.

Referred to the Committee on Technology.

Int. No. 215

By Council Member Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to solid waste collections.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 16 of the administrative code of the city of New York is amended by adding a new section 16-120.2 to read as follows:

§ 16-120.2 Weekly solid waste and recycling collections. *Whenever a regularly scheduled solid waste or recycling collection is not made by the department due to the observance of a holiday, the solid waste or recyclable material not collected because of such observance must be collected within forty-eight hours of the department resuming regularly scheduled collections. Such collection shall not result in alterations of regularly scheduled solid waste and recycling collections except that such collections may be made within twenty-four hours after their normally scheduled collection time.*

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 216

By Council Members Gentile, Foster, Mendez, Vann and Williams.

**A Local Law to amend the New York city charter, in relation to accepting Metropolitan Transportation Authority's Access-A-Ride identification cards and reduced-fare MetroCards with additional official proof of address of New York City residency for the purpose of proving the identity and residency of applicants for New York City Disability Parking Permits.**

*Be it enacted by the Council as follows:*

Section 1.Paragraph 15 of subdivision a of section 2903 of the New York city charter is amended by adding a new subparagraph f to read as follows:

*(f)Notwithstanding the provisions of any other law, rule or regulation, the commissioner shall accept a New York state-issued identification card, a New York state driver's license, a metropolitan transportation authority access-a-ride identification card or a metropolitan transportation authority reduced-fare metrocard for the purpose of proving the identity and residency of applicants for the New York city special vehicle identification parking permit; provided that any person submitting a metropolitan transportation authority access-a-ride identification card or a metropolitan transportation authority reduced-fare metrocard must also submit proof of New York city residency. The department shall accept a current utility bill as proof of residency.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 221

**Resolution calling upon the United States Congress to pass legislation which would require the U.S. State Department to distribute to the City of New York withheld foreign aid funds equivalent to unpaid diplomatic parking fines owed to the City.**

By Council Members Gentile, Chin, Dickens, Fidler, Foster, Mendez, Nelson and Sanders.

**Whereas**, According to a recent study released by Representative Anthony Weiner (D-NY), foreign governments currently owe the City of New York \$18 million in parking fines accrued by diplomats; and

**Whereas**, The study also reveals that approximately 85% of countries that owe money to New York City for unpaid parking violations also receive foreign aid from the United States government; and

**Whereas**, In 2001, Congress passed legislation to withhold foreign aid to countries in amounts equivalent to their outstanding parking fines; and

**Whereas**, The current law allows the U.S. State Department to move withheld funds to other programs rather than using such funds to pay down the debt owed to the City; and

**Whereas**, H.R. 4457, sponsored by Representative Anthony Weiner (D-NY), was introduced on January 13, 2010, and would require the U.S. State Department to use the withheld funds to pay New York City directly; and

**Whereas**, Under H.R. 4457, once New York City receives payment from the U.S. State Department, the parking violations would be considered fully adjudicated and the City's right to pursue collection of the diplomatic parking fines through any other method would be waived; and

**Whereas**, Currently, there is no Senate companion bill to H.R. 4457; and

**Whereas**, For many years, New York City has been unable to collect from countries that owe millions of dollars in parking violations; and

**Whereas**, Passing legislation that would enable New York City to receive the money owed by these countries is especially important during these harsh economic times; and

**Whereas**, The City is currently faced with the difficult decision of making severe cuts to essential services and programs that New Yorkers depend on; and

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass legislation which would require the U.S. State Department to distribute to the City of New York withheld foreign aid funds equivalent to unpaid diplomatic parking fines owed to the City.

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

Int. No. 217

By Council Members James, Lander, Chin, Dickens, Dromm, Ferreras, Foster, Gentile, Koppell, Mark-Viverito, Nelson, Rodriguez, Sanders, Vann, White, Williams, Crowley, Van Bramer and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to refer individuals and families whose section 8 vouchers were revoked to the New York City Housing Authority for priority placement in public housing apartments.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. In December 2009, the New York City Housing Authority ("NYCHA") stopped issuing federal Section 8 vouchers and revoked the vouchers of individuals and families who had not completed the steps necessary to activate their vouchers. NYCHA's action affected approximately 2,600 people in need of housing, including homeless individuals and families, domestic violence victims, youth aging out of foster care, and intimidated witnesses. Yet according to NYCHA, as of February 2010, over 850 public housing apartments were vacant and ready to be occupied.

The Council finds that the City has an obligation to locate permanent, affordable housing as quickly as possible for those who were promised and received section 8 vouchers that were later rescinded. According to the individuals and families who are impacted by the revocation, advocates, and other members of the community, many of the 2,600 affected have not received assistance from the City in obtaining such permanent and affordable housing, and are already homeless or are on the verge of homelessness. Moreover, some of those in need of assistance participated in one of the Department of Homeless Services' ("DHS") Advantage New York programs. Accordingly, the Council finds that it is necessary to require the DHS to refer the individuals and families whose section 8 vouchers were rescinded to NYCHA, for priority placement in public housing apartments.

§2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

*§21-316. Referrals to public housing apartments. The commissioner shall refer an individual or family to a public housing apartment operated by the New York city housing authority for priority placement if the following conditions are met:*

*a. the individual or family received or is currently receiving services from the department and/or one of the department's contracted service providers; and*

*b. as of December 30, 2009, the individual or family completed the federal section 8 housing choice voucher program application process and was issued a section 8 voucher, but had not yet moved into a section 8 eligible apartment; and*

*c. the individual or family received written notice from the New York city housing authority dated December 30, 2009, stating that the New York city housing authority would not accept the individual or family's rental package or provide section 8 assistance; and*

*d. the individual or family is eligible for New York city housing authority public housing, as determined by the New York City housing authority.*

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 218

By Council Members Koppell, Chin, Comrie, Fidler, Foster, Gentile, Lander, Nelson and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to idle reduction technology in ambulances.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter seven of chapter one of title 24 of the administrative code of the city of New York is amended to add a new section 24-163.8 to read as follows:

*§24-163.8 Use of verified idle reduction technology in ambulances. a. For the purposes of this section, the following terms shall be defined as follows:*

*(1) "Auxiliary power unit" shall mean a device containing an engine certified by the United States environmental protection agency that supplies cooling, heating, and electrical power to trucks and other vehicles while the engine is turned off in order to reduce emissions from such vehicles.*

*(2) "Verified idle reduction technology" shall mean technology, including but not limited to, an auxiliary power unit, that has been verified by the United States environmental protection agency and allows the engine of a vehicle to be turned off while still providing services to the vehicle or equipment, such as heating or cooling of the cabin and which reduces tailpipe emissions from diesel fuel-powered vehicles.*

*b. Each ambulance acquired by the city or by any 911 participating ambulance service provider after the enactment of this law shall be equipped with verified idle reduction technology upon acquisition or within six months after acquisition.*

§2. This local law shall take effect one hundred and twenty days after it is enacted.

Referred to the Committee on Environmental Protection.

Int. No. 219

By Council Members Koppell, Foster, Mendez, Rodriguez, Williams and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring protective devices for seniors and persons with a disability who reside in multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is hereby amended by adding a new section 27-2046.3 to read as follows:

§27-2046.3 *Protective devices for senior citizens and persons with a disability; notification to tenants.* a. *It shall be the duty of the owner, lessee, agent or other person who manages or controls a multiple dwelling to:*

1. *provide, install and maintain in a safe manner grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability;*

2. *provide, install and maintain in a safe manner treads on the floors of showers and bathtub stalls in each residential unit when requested by a senior citizen or tenant residing therein who is a person with a disability, or by a tenant residing therein with a senior citizen or person with a disability; and*

3. *cause to be delivered to each residential unit a notice advising occupants of the obligation of such owner, lessee agent or other person who manages or controls a multiple dwelling to install the protective devices referred to in paragraphs 1 and 2 of this subdivision at no cost to the tenants. Such notice must be provided on an annual basis in a form and manner approved by the department.*

b. *The department shall promulgate such rules as it deems necessary to comply with the provisions of this section with regard to the annual notice to tenants, and the safety standards and maintenance of the protective devices required by this section.*

c. *Any person who violates the provisions of this section, or the rules promulgated hereunder, shall be guilty of a misdemeanor punishable by a fine of up to five hundred dollars or imprisonment for up to six months or both. In addition, such person shall also be subject to a civil penalty of not more than five hundred dollars per violation.*

d. *As used in this section, the following terms shall have the following meanings:*

1. *“Senior citizen” shall mean a person who is at least sixty years of age; and*

2. *“Person with a disability” shall mean an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility.*

§2. Part 1 of subchapter 2 of chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.9 to read as follows:

§11-245.9 *Tax abatement for the installation of grab bars.* a. *For the purposes of this section, the following terms shall have the following meanings:*

1. *“Person with a disability” shall mean an individual who provides documentation indicating that he or she is recognized by any city, state or federal authority or agency as having a disability which impedes vision or mobility, or who provides medical evidence indicating that he or she has a disability impeding vision or mobility which would entitle him or her to receive the protective devices referred to in paragraphs 1 and 2 of subdivision a of section §27-2046.3 of this code.*

2. *“Eligible owner” means a person who does not reside in a residential unit and installed grab bars on the walls of shower and bathtub stalls and adjacent to each toilet or water closet in each residential unit upon a request by a senior citizen or person with a disability residing therein or by a tenant residing therein with a senior citizen or person with a disability; and*

3. *“Multiple dwelling unit” means a dwelling unit in a building in which there is either rented, leased, let or hired out to be occupied, or is occupied as the residence or home of two or more occupants living independently of each other.*

4. *“Senior citizen” shall mean a person who is at least sixty years of age;*

b. *For fiscal years beginning on and after the first of July, two thousand ten, an eligible owner of a multiple dwelling unit shall be eligible to receive an abatement of taxes imposed on such multiple dwelling unit for each grab bar installed in such*

*multiple dwelling unit in one of the following amounts:*

(i) *where such owner purchases and installs a grab bar within the tub area requiring anchoring by screws or toggles where there is no removal of surface tiles or surrounding facade, an amount not to exceed two hundred fifty dollars; or*

(ii) *where such owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surrounding surface tiles and or facade, an amount not to exceed four hundred dollars; or*

(iii) *where such owner purchases and installs a grab bar requiring anchoring that entails the removal and replacement of surface lines and underlayment behind the removed tiles, an amount not to exceed eight hundred dollars*

c. *Notwithstanding the provisions of subdivision b of this section, no abatement of real property taxes in accordance with this section may exceed the actual cost to the eligible owner of the purchase and installation of such grab bar.*

d. *Any application for the real property tax abatement provided for in this section shall be submitted in such manner and in such form as shall be established by the commissioner by rule.*

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of housing preservation and development and the commissioner of finance shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 220

By Council Members Lappin, Comrie, Mendez, Nelson and Vann.

**A Local Law to amend the administrative code of the city of New York in relation to establishing a survey division within the Landmarks Preservation Commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a through k of Section 25.303 are hereby relettered as subdivisions b through l, and a new subdivision a is added, to read as follows:

a. *For the purpose of effecting and furthering the protection, preservation, enhancement, perpetuation and use of landmarks, interior landmarks, scenic landmarks and historic districts, the commission shall establish and maintain a survey division with staff who shall have the responsibility to conduct periodic and ongoing assessments of improvements, exterior architectural features, interiors, interior architectural features, landscape features or other features or improvements which have a special character or special historical or aesthetic interest or value or represent one or more periods or styles of architecture typical or one or more eras in the history of the city, and to recommend to the commission designations of landmarks, interior landmarks, scenic landmarks and historic districts based on such assessments.*

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Int. No. 221

By Council Members Lappin, Brewer, Chin, Foster, Gentile, Lander, Mendez, Nelson, Rodriguez, Sanders, Van Bramer, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to notify tenants of unsafe conditions of exterior walls of buildings.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-302.3 of chapter three of title 28 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended to read as follows::

§28-302.3 *Immediate notice of unsafe condition.* Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition. *Upon such notification, the owner shall immediately notify the occupants of the building of any unsafe condition by affixing a notice describing each unsafe condition in a conspicuous location in the lobby area of the building which notice shall remain until each unsafe condition is corrected. Notice to occupants shall also be given in at least one additional manner as shall be established by the commissioner by rule.*

§2. This local law shall take effect ninety days from enactment, provided

however, that the commissioner of buildings shall promulgate any rules and perform all other actions necessary for the implementation of this local law prior to such effective date

Referred to the Committee on Housing and Buildings.

Int. No. 222

By Council Members Lappin, Lander, Brewer, Chin, Comrie, Mendez, Van Bramer and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to timely consideration of Requests for Evaluation (RFEs) by the Landmarks Preservation Commission.**

*Be it enacted by the Council as follows:*

Section 1. Section 25-303 of the administrative code of the city of New York is amended by adding a new subdivision 1 to read as follows:

1. Every Request for Evaluation (RFE) proposing a property for landmark designation shall be submitted to the commission's RFE committee within 120 days of receipt thereof, and all RFE committee recommendations, whether positive or negative, shall be reported promptly on the record to the full commission.

§2. This local law shall take effect immediately.

Referred to the Committee on Land Use.

Int. No. 223

By Council Members Lappin, Chin, Ferreras, Foster, Koppell, Lander, Mendez, Rodriguez, Garodnick, Sanders, Williams, Rose, Brewer, Van Bramer, Jackson and Lappin, .

**A Local Law to amend the administrative code of the city of New York, in relation to requiring public parking garages to install pedestrian warning devices at parking garage exits.**

*Be it enacted by the Council as follows:*

Section 1. Section BC 406 of the building code of the city of New York, as added by local law number 33 for the year 2007, is amended by adding a new subsection 406.2.3.8 to read as follows:

406.2.3.8 **Pedestrian warning devices.** For purposes of this subsection only, the following terms shall have the following meanings:

(1) "Exit" means any point of egress for a motor vehicle that requires such motor vehicle to cross a sidewalk.

(2) "Pedestrian warning device" means any device or system consisting of a mechanism that detects a motor vehicle as it approaches a public parking garage exit to depart therefrom and activates (i) a flashing yellow light positioned at the exterior of such exit which is visible to pedestrians and (ii) an audible warning signal consisting of an intermittent sound not exceeding 70 dB(A) measured at, or adjusted to, a distance of ten feet from such exit; provided that such device shall not be activated for any period of time in excess of ten seconds after the activating vehicle has cleared the exit, except as the audible warning signal may be activated by another motor vehicle exiting the public parking garage.

(3) "Public parking garage" means any parking garage for which a license or other authorization is required and is legally authorized for the housing, storage or parking of twenty or more motor vehicles, for which compensation is directly or indirectly provided for the housing, storage or parking of a motor vehicle provided that such term shall not include uncovered or outdoor parking areas.

406.2.3.8.1 All owners of public parking garages shall ensure the installation at each exit therefrom of: (1) a pedestrian warning device; (2) a stop sign; (3) the following notice in a manner that is legible and conspicuous to operators of exiting motor vehicles: "LOCAL LAW REQUIRES VEHICLES TO YIELD THE RIGHT OF WAY TO PEDESTRIANS ON SIDEWALKS"; and (4) the following notice in a manner that is legible and conspicuous to pedestrians: "CAUTION: EXITING VEHICLES," provided that such notice is installed at the exterior of each such exit.

406.2.3.8.2 In addition to the requirements set forth in subsection 406.2.3.8.1 of this section, the owner of a public parking garage shall also be required to paint in a bright shade of red each curb cut and the curb extending two feet in either direction from such curb cut from which motor vehicles exiting such garage access the adjacent roadway.

406.2.3.8.3 A violation of this section shall be punishable by a civil penalty of two hundred and fifty dollars for each such violation.

§2. This local law shall take effect one hundred and eighty days after

enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 224

By Council Member Mendez, The Speaker (Council Member Quinn), and Council Members Brewer, Chin, Dromm, Fidler, Foster, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Rodriguez, Sanders, Vann, Williams, Gennaro and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a pilot program for the remediation of mold and vermin conditions in certain multiple dwellings.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter five of chapter two of title twenty-seven of the administrative code of the city of New York is amended by adding a new article eleven to read as follows:

#### ARTICLE 11

##### MOLD AND VERMIN REMEDIATION PILOT PROGRAM

§27-2154. a. Mold and vermin remediation pilot program. No later than January first, two thousand eleven, the department, in conjunction with the department of health and mental hygiene, shall initiate a mold and vermin remediation pilot program and shall implement such program for a period of eighteen months to be followed by a three-month evaluation period. Notwithstanding any other provision of law, the departments shall remediate mold and vermin conditions pursuant to such pilot program, and enforce violations of this code, the multiple dwelling law and the health code of the city of New York as follows:

b. The departments shall identify at least one hundred and seventy-five different multiple dwellings for participation in the mold and vermin remediation pilot program which shall at a minimum include multiple dwellings with at least six but no more than twenty dwelling units, multiple dwellings with at least twenty-one but no more than fifty dwelling units and multiple dwellings with at least fifty-one dwelling units where such multiple dwellings have in each category, respectively, the highest number of open hazardous and immediately hazardous violations of the housing maintenance code and multiple dwelling law issued by the department or health code violations of record which were issued by the department of health and mental hygiene related to the accumulation of water; mold; the accumulation of rubbish and vermin or rodent infestation. The departments may establish additional criteria by rule to identify multiple dwellings for inclusion in the program which may include, but shall not be limited to: (i) the number of dwelling units affected by such violations, (ii) the likelihood that such violations would be amenable to correction through intervention by the department and the department of health and mental hygiene on a multiple dwelling-wide basis, (iii) the general physical condition of a multiple dwelling and (iv) whether a multiple dwelling is the subject of any enforcement or remediation program or action of either such agency.

c. Notwithstanding the criteria set forth in subdivision b of this section or established by the department pursuant to that subdivision, a multiple dwelling that is currently the subject of an in rem foreclosure action by the city, that was the subject of an in rem foreclosure judgment in favor of the city and that was transferred by the city to a third party pursuant to section 11-412.1 of the administrative code of the city of New York within the prior five years, that is the subject of a court order appointing an administrator or a proceeding brought by the department seeking the appointment of an administrator pursuant to article 7-A of the real property actions and proceedings law, that is the subject of a vacate order issued by the department or any other city agency, or that has not been discharged from the alternative enforcement program pursuant to section 27-2153 of this subchapter shall not be included in the pilot program established pursuant to this section.

d. The department shall by January 1, 2011 provide written notification to the owner of any multiple dwelling identified for participation in the mold and vermin remediation pilot program, the occupants of such multiple dwelling and the council member in whose district the multiple dwelling is located, that such multiple dwelling is subject to the requirements of such pilot program and the requirements of this article.

e. The department shall establish a process to provide the occupants of multiple dwellings participating in the mold and vermin remediation pilot program and council members within whose districts such multiple dwellings are located with information regarding the status of the multiple dwelling during its participation in such program.

f. The owner of a multiple dwelling that is identified for participation in the mold and vermin remediation pilot program shall correct the existing violations of this code, the multiple dwelling law and the health code of the city of New York related to the accumulation of water; mold; the accumulation of rubbish; and vermin or rodent infestation in such multiple dwelling no later than three months

after written notification by the department pursuant to subdivision d of this section, provided, however, that the original correction date for any violation issued in such multiple dwelling shall not be deemed to be changed or postponed by such notification. Nothing in this subdivision shall preclude the department from determining after such identification that the provisions of subdivision h may be immediately implemented. Where such owner believes that such violations have been corrected, such owner shall request a reinspection of such violations for dismissal by the department. The process to request a reinspection and dismissal of such violations shall be prescribed in rules promulgated by the department. The department shall perform a reinspection within sixty days of receipt of a request for such reinspection by the owner and upon completion of such reinspection the department shall assess whether such owner has substantially complied with the requirements of this subdivision. The department shall issue a notice of violation for any new violation observed in the course of such reinspection. After completion of such reinspection, the department shall within twenty days provide a written determination to such owner. For the purposes of this subdivision, "substantial compliance" shall mean that at the time of reinspection by the department, all immediately hazardous and hazardous violations relating directly to mold and eighty percent of all other open hazardous and immediately hazardous violations of this code, the multiple dwelling law and of the health code of the city of New York related to the accumulation of water, the accumulation of rubbish; and vermin or rodent infestation have been determined by the department and the department of health and mental hygiene to have been corrected in accordance with the department of health and mental hygiene's current guidelines on assessment and remediation of fungi in indoor environments and in multiple dwellings where vermin and rodent infestation violations were identified the implementation of prevention and pest management measures pursuant to section 151.02 of the health code of the city of New York have been utilized.

g. (i) Where an owner has received a written determination by the department that he or she has substantially complied with the requirements of subdivision f of this section, such multiple dwelling shall be monitored in accordance with the provisions of paragraph ii of this subdivision and shall register the multiple dwelling in accordance with article two of subchapter four of chapter two of this title if the multiple dwelling is not validly registered. Where such owner fails to substantially comply with the provisions of subdivision f of this section or to validly register the multiple dwelling in accordance with article two of subchapter four of chapter two of this title, the department shall notify such owner that substantial compliance for such multiple dwelling has not been achieved.

(ii) The department or the department of health and mental hygiene shall monitor a multiple dwelling for which substantial compliance has been achieved for a period of nine months from the date of notification to the owner of such compliance to ensure continued conformity with this code, the multiple dwelling law and the health code of the city of New York with special consideration given to determining whether there has been a reoccurrence of mold; the accumulation of water; the accumulation of rubbish and vermin or rodent infestation. Where such multiple dwelling continues in compliance, the department shall notify the owner, the occupants of such multiple dwelling and the council member in whose district such multiple dwelling is located at the conclusion of such monitoring period that the multiple dwelling has been removed from such program.

h. (i) The department shall perform a multiple dwelling-wide inspection, and when appropriate a joint inspection with the department of health and mental hygiene, of a multiple dwelling that is subject to the requirements of the mold and vermin remediation pilot program if: (1) the owner has failed to request a reinspection and dismissal of violations in accordance with subdivision f of this section or (2) the owner has been notified that substantial compliance with the program pursuant to subdivision g of this section has not been achieved. Such multiple dwelling-wide inspection shall be commenced no later than thirty days after notice is given to the owner. After such multiple dwelling-wide inspection is completed, the department and the department of health and mental hygiene shall issue an order to such owner to correct existing violations of this code, the multiple dwelling law and the health code of the city of New York with respect to those violations relating to the accumulation of water; mold; accumulation of rubbish; and vermin or rodent infestation and any new violations written since the notification of the owner in accordance with subdivision d of this section and repair the related underlying conditions as shall be specified in such order. The department of health and mental hygiene shall provide information to owners on how to implement prevention and pest management measures. Such multiple dwelling-wide inspection shall be completed and such order issued within one hundred and twenty days of commencement of the multiple dwelling-wide inspection. Such order shall be filed in the office of the county clerk in the county in which the multiple dwelling is located. For purposes of this article, a "related underlying condition" shall mean a physical defect or failure of a multiple dwelling system which allows moisture into the multiple dwelling that is causing or has caused a mold violation, such as, but not limited to, a structural defect, or failure of a heating, ventilation or plumbing system and the sealing of holes, gaps, and cracks in walls, ceilings, floors, molding, baseboards, around conduits and around and within cabinets which allow pest movement.

(ii) The department shall: (1) within thirty days of the filing of such order prepare a scope of work necessary to correct the violations and repair the related underlying conditions as are specified in such order and, where applicable, the department of health and mental hygiene shall prepare a scope of work necessary to implement prevention and pest management measures where specified in such order or orders; (2) cause repair work to be commenced and expeditiously completed unless there are circumstances beyond the control of the department such as: the inability to obtain access to the multiple dwelling or any part thereof necessary for

the making of such repairs in which case the repairs related to the portion of the multiple dwelling to which access could not be obtained may be delayed until access is obtained; the inability to obtain necessary legal approvals, materials or labor; for so long as there is ongoing litigation with respect to the multiple dwelling that prevents such work from being performed by the department; the owner undertakes the repair work in a manner that is satisfactory to the department; or the commencement or completion of the work is not practicable because a vacate order has been issued by the department or any city agency and the cost of performing work necessary for restoring the multiple dwelling pursuant to the order is economically infeasible; and (3) monitor repair work as it is performed in accordance with subdivision j of this section. For the purposes of this subdivision, "economically infeasible" shall mean a determination by the department that the cost of repairing a particular multiple dwelling exceeds the anticipated market value of such multiple dwelling after all repairs have been completed.

i. The department or the department of health and mental hygiene shall develop and distribute to the owner or managing agent or other designated representative of a multiple dwelling which is the subject of an order by the department or the department of health and mental hygiene pursuant to subdivision h of this section and to tenants residing in multiple dwellings participating in the mold and vermin remediation pilot program information related to home-based hazards and strategies for the control and eradication of mold, vermin and rodents, prior to the removal of the multiple dwelling from the mold and vermin remediation pilot program. The departments may enter into one or more agreements with non-governmental organizations to develop and distribute such information.

j. The department shall reassess, at quarterly intervals, or more often as necessary, each multiple dwelling that has been identified for participation in the mold and vermin remediation pilot program for which the department has issued an order pursuant to subdivision h of this section and in which the department or an owner has commenced repairs to ensure progress towards the completion of such repairs in a timely fashion. When conducting such reassessment the department shall give special consideration to the correction of open hazardous and immediately hazardous violations of the housing maintenance code and the multiple dwelling law and violations of the health code of the city of New York related to the accumulation of water; mold; the accumulation of rubbish; and vermin or rodent infestation. No later than three months from the commencement of such repair work, if the department determines that such repair work is not progressing in a timely fashion, then the department shall expeditiously complete the repairs.

k. The department may remove from the mold and vermin remediation pilot program a multiple dwelling for which an order has been issued pursuant to subdivision h of this section upon: (1) substantial compliance, (2) conclusion of the monitoring period as required pursuant to paragraph ii of subdivision g of this section, (3) compliance with the provisions of subdivision i of this section and (4) registration of such multiple dwelling in accordance with article two of subchapter four of chapter two of this title or such other criteria as may be established by rule which are not inconsistent with any of the provisions of this article as are applicable. Where the department determines to remove a multiple dwelling from such program, it shall provide a written determination to the owner, the occupants of such multiple dwelling and the council member in whose district such multiple dwelling is located and shall file in the office of the county clerk in the county in which such multiple dwelling is located, a rescission of the order issued pursuant to subdivision h of this section. For the purposes of this subdivision, "substantial compliance" shall mean that at the time of reinspection by the department, all immediately hazardous and hazardous violations relating directly to mold and eighty percent of all other open hazardous and immediately hazardous violations of the housing maintenance code, multiple dwelling law or health code of the city of New York related to the accumulation of water; the accumulation of rubbish and vermin or rodent infestation have been determined by the department and the department of health and mental hygiene to have been corrected in accordance with the department of health and mental hygiene's current guidelines on assessment and remediation of fungi in indoor environments and in multiple dwellings where vermin and rodent infestation violations were identified the implementation of prevention and pest management measures pursuant to section 151.02 of the health code of the city of New York have been utilized.

l. The department and the department of health and mental hygiene shall expeditiously undertake good faith efforts to obtain access to any portion of the multiple dwelling where access is necessary in order to perform an inspection, perform work to correct a violation of this code or the multiple dwelling law or perform work to repair a related underlying condition. If access is not obtained even after such good faith efforts, the department shall seek an order of access in accordance with the provisions of section 27-2123 of this code. Any time period set forth in this section within which the department or the department of health and mental hygiene are required to act shall be tolled during the period in which the department is making such good faith efforts to obtain access or is seeking an order of access.

m. An owner of a multiple dwelling who has been notified of participation in the mold and vermin remediation pilot program pursuant to subdivision d of this section shall be subject to program fees for any inspection, reinspection or any other action taken by the department or the department of health and mental hygiene in relation to such multiple dwelling during the time period that the multiple dwelling is in such program. A schedule of fees for this purpose shall be prescribed in rules promulgated by the department and the department of health and mental hygiene.

n. All amounts for expenses incurred and fees imposed by the department and the department of health and mental hygiene pursuant to this article that remain unpaid by an owner, shall constitute a debt recoverable from the owner and a lien upon the multiple dwelling and lot, and upon the rents and other income thereof. The

provisions of article eight of this subchapter shall govern the effect and enforcement of such debt and lien. The department may serve a statement of account upon an owner for such amounts pursuant to section 27-2129 of this subchapter.

*o.* Any failure by the department to provide notification to occupants of a multiple dwelling that is participating in the mold and vermin remediation pilot program or council members as required by this article shall not prevent the department or the department of health and mental hygiene from taking any actions under or enforcing the provisions of this article, except that the department shall attempt to remedy any such failure immediately upon its discovery.

*p.* Nothing in this section shall prevent the department or the department of health and mental hygiene from enforcing the provisions of this code, the multiple dwelling law or the health code of the city of New York pursuant to any other provision of this code, the multiple dwelling law, the health code of the city of New York or any other law where the department or the department of health and mental hygiene determines that additional enforcement mechanisms are necessary to do so. Nothing in this article shall be deemed to affect the duties of an owner, a tenant, the department or the department of health and mental hygiene under any other article of this code, the multiple dwelling law or the health code of the city of New York.

*q.* Any notifications or information required by this section to be provided to an owner or occupant of a multiple dwelling shall be in English, the languages set forth in subdivision j of section 8-1002 of the administrative code of the city of New York and in such other languages as the department deems appropriate.

*r.* No later than twenty-four months after such program begins the department and the department of health and mental hygiene shall report to the council on the results of the mold and vermin remediation pilot program. Such report shall include the following: (i) the names and addresses of the owner of each multiple dwelling included in the program; (ii) the council member in whose district each multiple dwelling is located; (iii) for each multiple dwelling, the aggregate number of open hazardous and immediately hazardous violations of the housing maintenance code and multiple dwelling law and violations of the health code of the city of New York related to the accumulation of water; mold; the accumulation of rubbish; and vermin or rodent infestation at the time the mold and vermin remediation pilot program was used as an enforcement mechanism for such multiple dwelling, (iv) for each multiple dwelling whether the owner or the departments commenced repairs; (v) whether or not the owner of each multiple dwelling has substantially complied with the program; (vi) the number of multiple dwellings for which a building-wide inspection was commenced in accordance with subdivision h of this section and whether substantial compliance at such multiple dwellings was achieved during the program period; and (vii) the number of multiple dwellings for which substantial compliance has not been achieved from the start of the participation of such multiple dwellings in the program. Such report shall also assess the effectiveness of the mold and vermin remediation pilot program and identify the pest management and remediation methods utilized to correct such conditions. Such assessment shall include, but shall not be limited to examining, the following:

(1) the program's overall cost effectiveness, including the amount of fees collected;

(2) whether the criteria established pursuant to subdivision b of this section were appropriate and if not, why not;

(3) the extent to which violations beyond those previously known to the department and the department of health and mental hygiene were observed and the nature of those violations;

(4) whether the monitoring undertaken by the department or the department of health and mental hygiene was appropriate and if not, why not and including the number of multiple dwellings that failed to continue to be in substantial compliance during such monitoring period.

(5) what, if any, were the most commonly found causes of mold; the accumulation of water; the accumulation of rubbish and vermin or rodent infestation;

(6) identification of remediation and pest management methods that were used to control moisture, remove and prevent the reoccurrence of mold and abate vermin and rodent infestation and any methods that were not successful in addressing such conditions, and why;

(7) recommendations on how to achieve compliance in those multiple dwellings in which substantial compliance was not achieved during the period of the program.

(8) a copy of the information distributed to owners and multiple dwelling occupants regarding home-based hazards and strategies for the control and eradication of mold and vermin;

(9) any other information the department or the department of health and mental hygiene deems pertinent to the evaluation of said program.

Such assessment shall also include recommendations as to whether the program should be continued or modified in any way and the reasons therefore, including the need for additional legislative or administrative actions to prevent the occurrence of mold and vermin infestation and for the proper remediation of mold and vermin infestation. Such report shall be posted on the department and the department of health and mental hygiene's website within ten days of its submission to the council.

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

remaining portions shall remain in full force and effect.

§3. This local law shall take effect immediately, provided, however, that the commissioners of housing preservation and development and health and mental hygiene shall take all actions necessary to implement this local law, including the promulgation of rules and the identification of multiple dwellings for participation in the program established by section one of this local law, prior to January 1, 2011. This local law shall remain in effect until December 31, 2012 when it shall be deemed repealed.

Referred to the Committee on Housing and Buildings.

Int. No. 225

By Council Members Oddo, Fidler, Vallone Jr. and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the issuance of building permits for areas in which a certified rezoning application is pending.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.11 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-103.11 Applications and permits. The department shall receive and review applications, construction documents, and other submittal documents and shall issue permits, in accordance with the provisions of this code. *Upon certification by the city planning commission of an application for rezoning any area of the city, the department shall not issue any permits for construction on a site located in such area that would not be in compliance with the zoning for such area provided for in the certified rezoning application.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 226

By Council Members Palma, Chin, Ferreras, Koppell, Mendez and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to information and reporting on child care facilities and to repeal section 17-920, relating to reports regarding child care facilities.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-920 of the administrative code of the city of New York is REPEALED.

§2. Chapter 10 of title 17 of the administrative code of the city of New York, as added by local law number 13 for the year 2005, is renumbered as chapter 13 and sections 17-914, 17-915, 17-916, 17-917 and 17-918 of the administrative code of the city of New York, as added by local law number 13 for the year 2005, are renumbered sections 17-1301, 17-1302, 17-1303, 17-1304 and 17-1305, respectively, and section 17-919 of the administrative code of the city of New York, as added by local law number 12 for the year 2005, is renumbered section 17-1306.

§3. Chapter 13 of title 17 of the administrative code of the city of New York, as renumbered by section 2 of this local law, is amended by adding a new section 17-1307 to read as follows:

§17-1307 Reports regarding child care facilities citywide. *a. Beginning 45 days after the end of the first full calendar quarter following the effective date of the local law that added this section and 45 days after the end of each succeeding calendar quarter thereafter, the department will furnish to the speaker of the city council a report regarding child care facilities in New York city that includes, at a minimum, and to the extent that the department has access to such information, the following information concerning state-regulated family and group family day care homes and school-age child care programs and day care services regulated pursuant to articles 5 and 47 of the New York city health code:*

*1. number of providers currently holding a valid license, registration or permit issued under state or local law or regulations, disaggregated by borough and by type of program;*

*2. number of inspections of such day care providers, programs and services conducted, disaggregated by borough and by the type of day care inspected;*

*3. percentage of renewal applications that were not processed by the expiration date of the license, registration or permit being renewed, disaggregated by the type of day care;*

*4. percentage of new applications for a license, registration or permit to operate a state-regulated day care that resulted in a license or registration;*

*5. percentage of new applications for licenses to operate a day care that*

resulted in a license, registration or permit, disaggregated by type of day care;

6. number of new day care slots created, disaggregated by type of day care;

7. number of complaints received regarding day care operating with a license, registration or permit, disaggregated by the type of day care and borough in which the day care that is the subject of the complaint is located;

8. number of complaints received regarding day care operating without a license, registration or permit, disaggregated by the borough in which the day care that is the subject of the complaint is located;

9. percentage of state-licensed or registered day care cited for having violations, disaggregated by borough and by the type of provider or program;

10. total number of initial inspections of day care services and the percentage of day care services that required one or more compliance inspections;

11. number of day care licenses, registrations or permits revoked, disaggregated by type of day care;

12. number of day care licenses, registrations or permits suspended, disaggregated by the type of day care;

13. number of cease and desist orders issued, disaggregated by the type of state-licensed or registered provider or program;

14. number of early childhood consultants employed in the department's bureau of day care as of the close of business on the final day of the reporting period;

15. number of early childhood consultant vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period;

16. number of public health sanitarians employed in the department's bureau of child care as of the close of business on the final day of the reporting period; and

17. number of public health sanitarian vacancies in the department's bureau of child care as of the close of business on the final day of the reporting period.

b. Within 45 days after the end of each calendar year, the department shall publish and make available on its website an annual report containing the information set forth in subdivision a of this section for the prior calendar year.

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

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

Res. No. 222

**Resolution calling upon the New York State Legislature to enact A.9230/S.3326-A in relation to Mitchell-Lama and project-based Section 8 housing developments.**

By Council Members Palma, Brewer, Chin, Dickens, Lander, Mendez, Vann and Williams.

**Whereas**, In enacting the Mitchell-Lama program the New York State Legislature attempted to remedy a serious shortage of decent housing by providing affordable housing 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**, Over thirty year ago, the federal government developed an approach to creating affordable housing subsidies that would keep rents low by creating a Project-based Section 8 program; and

**Whereas**, Currently, owners of Mitchell-Lama and Project-based Section 8 housing developments 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 landlords currently have this option; and

**Whereas**, Under the current rent protection laws, buildings that were first occupied on or after January 1, 1974 are not subject to rent and eviction protections offered by these laws, except for buildings receiving tax benefits pursuant to section 421-a of the Real Property Tax Law and certain other tax benefit programs; and

**Whereas**, Many of the Mitchell-Lama and Project-based Section 8 developments were first occupied between 1974 and 1979, and are now all subject to possible landlord opt-outs, which could then permit the landlords to raise the rents to levels that are not affordable to the overwhelming majority of their current residents, thus forcing them to leave their neighborhoods; and

**Whereas**, New York City is facing a crisis in affordable housing which is at least partially reflected in a Citywide vacancy rate of only 2.88% as determined in the most recent Housing and Vacancy Survey conducted by the City; and

**Whereas**, The low vacancy rate will make it difficult for many, if not most, residents of a Mitchell-Lama or Project-based Section 8 development to find similar affordable housing if they are forced to leave their homes; and

**Whereas**, The Mitchell-Lama and Project-based Section 8 programs were developed to provide stability to both individuals and neighborhoods, and opt outs from these programs, without additional protections, create the potential for

destabilization and havoc, especially given the current need for affordable housing; and

**Whereas**, In the current environment it is extremely difficult to find apartments that are affordable to low, moderate and middle income households; and

**Whereas**, A.9230/S.3326-A would allow for direct amendments by the City to the Emergency Tenant Protection Act of 1974 to put all Mitchell-Lama and Project-based Section 8 units under the Rent Stabilization Program, which will keep apartments in Mitchell-Lama and Project-based Section 8 developments affordable following an opt-out; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to enact A.9230/S.3326-A in relation to Mitchell-Lama and Project-based Section 8 developments.

Referred to the Committee on Housing and Buildings.

Res. No. 223

**Resolution calling on the New York State Legislature to amend Article 11 of the New York State Environmental Conservation Law to add Quaker Parrots to the list of "protected birds," which will oblige the City to take all possible steps to humanely relocate Quaker Parrots that have nested on city-owned properties that are slated for demolition or removal or where other projects require removal of the birds.**

By Council Members Palma, Koppell, Mendez, Vacca, Crowley and Gentile.

**Whereas**, Quaker Parrots, which are also known as Monk Parakeets, are native to Argentina, but have a long and colorful history in New York City; and

**Whereas**, It is believed that Quaker Parrots were first imported to the United States in shipments arriving in New York City in the late 1960's for sale at area pet stores, and

**Whereas**, One shipment that arrived at John F. Kennedy International Airport around 1969 was either intentionally or accidentally opened releasing an entire shipment of Quaker Parrots into the wild; and

**Whereas**, Quaker Parrots are now common in Brooklyn in colonies of 50 - 60 birds, have established colonies in the Bronx and Queens, and are beloved by many members of these communities; and

**Whereas**, When the parrots first became prominent it was feared that they would disturb local birds and plants, and as a result they are sometimes described as being a "potentially dangerous species," by provisions of New Jersey and Connecticut state law, even though they have not caused any problems for native plants or birds; and

**Whereas**, The habitats of some Quaker Parrot colonies residing on City property are in danger as a result of upcoming projects that will cause their habitats to be destroyed; and

**Whereas**, In 2007, the New York City Department of Design and Construction, through the help of volunteers and employees, sponsored a project to relocate parrots whose nests were in danger as a result of construction on the Throggs Neck Little League baseball complex; and

**Whereas**, The number of wild Quaker Parrots has remained stable because the parrots "self-manage" the sizes of their flocks; and

**Whereas**, Under section 11-0103(5)(a) of the New York State Environmental Conservation Law (ECL), nests of protected birds cannot be disturbed; and

**Whereas**, Under ECL §11-0103(5)(a), undomesticated psittacine birds, which include parrots, are not protected, and as a result, ECL §11-0505(7), which prevents habitats of protected birds from being disturbed does not apply to them; and

**Whereas**, Under ECL §11-0505(7), it is required that nests of protected birds be left undisturbed, except if the nests need to be moved to be maintained; and

**Whereas**, Quaker Parrots are not currently protected under the New York State Environmental Conservation Law and their lives and homes are in danger during any construction projects that might disturb their habitats; and

**Whereas**, Quaker Parrots are deserving of the protections afforded under New York State law as a "protected bird"; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend Article 11 of the New York State Environmental Conservation Law to add Quaker Parrots to the list of "protected birds," which will oblige the City to take all possible steps to humanely relocate Quaker Parrots that have nested on city-owned properties that are slated for demolition or removal or where other projects require removal of the birds.

Referred to the Committee on Environmental Protection.

Int. No. 227

By The Public Advocate (Mr. de Blasio) and Council Members Chin, Gentile, Mark-Viverito, Williams and Halloran.

**A Local Law to amend the New York city charter, in relation to requiring mayoral agencies to issue monthly reports to the Council and the Public Advocate on compliance with the New York State Freedom of Information Law.**

*Be it enacted by the Council as follows:*

Section 1. Section 386 of Chapter 16 of the New York city charter is amended by adding a new subdivision d to read as follows:

*d. Commencing in January of 2011, each mayoral agency shall submit a monthly report to the council and the public advocate on the fourteenth day of each month regarding requests made to that agency to view records pursuant to the state freedom of information law in the preceding month. Such report shall be made available to the public free of charge on the internet. Reports required by this subdivision shall include:*

- (1) the total number of requests made during the month;*
- (2) the number of requests granted by the agency;*
- (3) the number of requests denied by the agency and, in the case of a denial of, or the exclusion of records from, such a request the report shall include the reason or reasons for denial of, or exclusion of, records from the request.*
- (4) the number of business days that elapsed between the receipt of such a request and the issuance of an acknowledgment of or response to such request;*
- (5) the number of instances in which a final determination regarding the request was not made within five business days of the issuance of an acknowledgment of such a request;*
- (6) the number of times in the preceding month that an agency determination regarding a request to view records pursuant to the state freedom of information law was appealed by the requestor; and*
- (7) the number of times an agency determination was appealed by the requestor and subsequently underwent a judicial review in a proceeding under Article 78 of the Civil Practice Law and Rules, including a description of the outcome of each such proceeding.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 228

By The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Fidler, Foster, Mark-Viverito, Gennaro and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to restricting the use of polystyrene foam food packaging.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative intent and findings. Polystyrene foam is virtually immune to biological decomposition. Thus, when products made from polystyrene foam are landfilled, they consume landfill space for centuries. Polystyrene foam also resists compacting and, therefore, by volume, consumes more landfill space than other types of materials, such as paper. In addition, polystyrene foam is not made from material recovered from the waste stream and, therefore, makes a far more limited contribution to the development of markets for recycled materials. Polystyrene foam is a pollutant that breaks down to smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus injuring or killing them. Due to the physical properties of polystyrene foam, the United States Environmental Protection Agency (EPA) states, "that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy".

The Council finds that the food service and retail food industries currently use substantial quantities of polystyrene foam to package ready-to-eat, prepared, and uncooked food and beverages. The Council further finds that there are substitutes for or alternatives to polystyrene foam food packaging and other products or items made of polystyrene foam that adequately serve the needs of the retail food and food service industries, as well as the consumer, and that these substitutes or alternatives are readily obtainable and are recyclable or biodegradable to a significantly greater degree than is polystyrene foam.

Accordingly, the Council finds that as a step towards achieving the goals of preserving landfill capacity by reducing the waste stream, encouraging the use of biodegradable and recyclable materials and materials made of recycled content, and minimizing the need for resource recovery facilities, it is appropriate to restrict the amount of polystyrene foam products used in the City and, thereby, reduce the health and environmental hazards created by the manufacture and disposal of these products.

§2. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

CHAPTER 5  
POLYSTYRENE FOAM PROHIBITION

§16-501 Definitions. When used in this chapter:

a. "Agency" shall mean a department, division, bureau, office, position, administration of the city of New York or a corporation, or any other entity the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials.

b. "Chlorofluorocarbons" or "CFCs" shall mean the family of substances that contain carbon, fluorine and chlorine and have no hydrogen atoms or double bonds, including, but not limited to, CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, CFC-500 and CFC-502.

c. "Food establishment" means any premises or place of business operated within the city of New York where food or beverages are prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored or manufactured and shall include, but not be limited to, any fixed or mobile food vendor, restaurant, delicatessen, cafeteria, concession stand, grocery store, supermarket or fast food outlet, but shall not include private residences.

d. "Hydrochlorofluorocarbon" or "HCFCs" shall mean the family of substances that contain hydrogen, chlorine, fluorine and carbon.

e. "Packaging" shall mean all bags, sacks, wrappings, containers, bowls, plates, trays, boxes, cartons, cups, lids and other items, on which or in which food or beverages are placed or packaged prior to consumption of the food or beverage.

f. "Polystyrene foam" means plastic material that is derived from petroleum and is composed of carbon and hydrogen atoms, which is blown into a foam.

§16-502 Prohibitions. Except as permitted in accordance with section 16-503 of this chapter:

a. No owner, operator or employee of a food establishment shall place, wrap, or otherwise package food or beverages in packaging made of polystyrene foam or offer for sale food or beverages packaged in such material.

b. No agency shall purchase food or beverages packaged in polystyrene foam for use by such agency while in the performance of an official function or during the course of any program or event sponsored by such agency nor shall an agency purchase any other product or item made of or packaged in polystyrene foam.

c. No containers, bowls, plates, trays, cups, lids or other similar products or items made of polystyrene foam whose intended purpose is to be a receptacle for food or beverages may be dispensed, sold or offered for sale.

d. No packaging, product or item made of polystyrene foam that was manufactured using a chlorofluorocarbon or hydrochlorofluorocarbon may be dispensed, sold or offered for sale.

§16-503 Exemptions. a. The provisions of section 16-502 of this chapter shall not apply where the commissioner has granted an exemption under the following circumstances:

(1) an owner or operator of a food establishment has made a showing that all possible alternatives and substitutes have been considered and for reasons of health or safety, the use of packaging made of polystyrene foam is critical to performing the function for which the exemption is sought; or

(2) an agency has made a showing that all possible alternatives and substitutes have been considered and for reasons of health or safety the use of packaging or other product or item made of polystyrene foam is critical to performing the function for which the exemption is sought; and

(3) an owner or operator of a food establishment or an agency has demonstrated to the satisfaction of the commissioner that such owner or operator or agency maintains a program or procedure whereby no less than the following percentages of the packaging made of polystyrene foam which is distributed or dispensed during the course of providing food or beverages at that food establishment is recycled, reused, sold for recycling or sold for reuse:

(i) thirty-five percent during the first year after the effective date of this section;

(ii) sixty percent during the second year after the effective date of this section;

and

(iii) ninety percent thereafter; or

(4) an individual, organization or other entity which provides, sells or offers for sale food or beverages to its employees or members, as an incident of employment or membership, or to other individuals as an integral part of performing its principal functions, where it is intended that such food or beverage be consumed at a dining facility or other central location, has demonstrated to the satisfaction of the commissioner that such individual, organization or entity maintains a program or procedure whereby no less than the following percentages of the packaging made of polystyrene foam which is dispensed or distributed during the course of providing food or beverages is recycled, reused, sold for recycling or sold for reuse:

(i) seventy-five percent during the first year after the effective date of this section; and

(ii) ninety percent thereafter.

b. The commissioner shall promulgate rules setting forth the criteria to be applied in determining whether an exemption from any of the provisions of this section may be granted but the burden of proving that an exemption should be granted shall be on the applicant.

c. An exemption or a renewal of an exemption from any of the provisions of this section may only be granted in writing and must clearly set forth the reasons why

such exemption has been granted. No exemption granted pursuant to this section shall be for a period longer than one year but may, upon appropriate application, be renewed for successive periods of up to one year each.

§16-504 Enforcement. a. The provisions of this chapter shall be enforced by the department, the department of health and mental hygiene and the department of consumer affairs.

b. Any person who violates any provision of this chapter shall be subject to a proceeding for injunctive relief brought in a court of competent jurisdiction and to a proceeding for a civil penalty recoverable in an action brought in such court or in a proceeding before the environmental control board. Such civil penalty shall be in an amount not less than one hundred dollars nor more than five hundred dollars for the first violation, not less than five hundred dollars nor more than one thousand dollars for the second violation, and not less than one thousand dollars nor more than five thousand dollars for the third and each subsequent violation. For the purposes of this chapter, each use of polystyrene foam packaging or offer for sale of food or beverages in polystyrene foam packaging, which is prohibited by this chapter, shall constitute a separate violation of this chapter.

§3. This local law shall take effect one hundred and eighty days after its enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 229

By Council Members Recchia Jr., Brewer, Chin, Ferreras, Fidler, Foster, Gentile, Koppell, Koslowitz and Van Bramer.

**A Local Law to amend the New York city charter, in relation to energy efficiency requirements for certain capital projects.**

Be it enacted by the Council as follows:

Section 1. Subparagraph iii of paragraph 2 of subdivision b of section 224.1 of the New York city charter is amended to read as follows:

(iii) Capital projects involving buildings classified in occupancy group G with an estimated construction cost of 12 million dollars (\$12,000,000) or more shall be designed and constructed to reduce energy cost by a minimum of twenty percent (20%), as determined by the methodology prescribed in LEED energy and atmosphere credit 1 or the New York state energy conservation code, whichever is more stringent. In addition to such twenty percent (20%) reduction in energy cost, the design agency shall make investments in energy efficiency that reduce energy cost by an additional [five percent (5%) if it finds that the payback on such investment through savings in energy cost would not exceed seven years or, in the alternative, the design agency shall make investments in energy efficiency that reduce energy cost by an additional] ten percent (10%) if it finds that the payback on such [investment] investments through savings in energy cost would not exceed seven years. *If the payback for such investments would exceed seven years, then the design agency shall instead make investments in energy efficiency that reduce energy cost by an additional five percent (5%) if the design agency finds that the payback for such investments would not exceed seven years.*

§2. Section 224.1 of the New York city charter is amended to add a subdivision l to read as follows:

l. *An annual report shall be prepared no later than September 1 of each year in accordance with the procedure and format established by the department of design and construction. Such report shall include, but shall not be limited to, a list and brief description, including square footage and total cost, of any capital project subject to section 224.1 of the charter, completed during the preceding calendar year; the estimated level of LEED certification such capital projects have achieved as determined by the design agency in accordance with the LEED rating system or, if applicable, the level achieved, as certified by the United States green building council; additional costs attributable to complying with the LEED green building rating system or any other green building standard; an assessment of the health, environmental and energy-related benefits achieved in comparison with a base-case code compliant project (including projected energy savings and reductions in peak load, reductions in emissions, reductions in storm water runoff and potable water use); a summary of agency findings related to additional investment in energy efficiency pursuant to subparagraphs (i), (ii), and (iii) of paragraph two of subdivision b of section 224.1 of the charter, including any additional investment in energy efficiency considered and the estimated payback time for such investment through savings in energy cost; and the total value of capital allocations in each fiscal year, by city agency, of projects subject to, and exempted by the mayor for each of paragraph one and subparagraphs (i), (ii) and (iii) of paragraph two of subdivision b, paragraphs one and two of subdivision c and subdivision d of section 224.1 of the charter, as well as a list and brief description, by agency, of such exempted projects, including square footage and project cost.*

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

Referred to the Committee on Environmental Protection.

Int. No. 230

By Council Members Recchia, Brewer, Chin, Fidler, Foster, Gentile, Nelson, Rodriguez and Vann.

**A Local Law to amend the administrative code of the city of New York, in relation to providing information to schools regarding communicable diseases.**

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York, is amended to by adding a new section 17-196 read as follows:

§17-196 Information for schools on communicable diseases. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. "School" shall mean any public or private elementary or secondary school.

2. "Communicable diseases" shall mean methicillin-resistant *Staphylococcus aureus* and any disease reportable to the department under the health code of the city of New York.

b. The department shall develop guidelines for schools regarding communicable diseases. Such guidelines shall include, but not be limited to, education regarding such diseases, prevention methods and protocols for responding to incidents of such diseases in a particular school.

c. Where the department has received information regarding an incident of a communicable disease that has occurred in a child attending a school or in an employee of such school, the department shall immediately report such incident to such school.

§2. This local law shall take effect thirty days after enactment.

Referred to the Committee on Health.

Res. No. 224

**Resolution calling for a boycott of the State of Arizona in response to its anti-immigrant legislation.**

By Council Members Rodriguez, Mendez, Chin, Williams, Jackson, the Public Advocate (Mr. de Blasio), Dromm, Mark Viverito, Brewer, Dickens, Ferreras, Foster, Lander, Sanders, Weprin, James, Crowley, Gonzalez, Eugene, Van Bramer, Arroyo, Seabrook, White, Cabrera, Barron, Rivera, Palma, Dilan, Rose, Mealy and Reyna.

**Whereas**, On April 23, 2010, Governor Jan Brewer of Arizona signed S.B. 1070, a piece of anti-immigrant legislation, into law; and

**Whereas**, S.B. 1070 requires immigrants to carry alien registration documents with them at all times; and

**Whereas**, S.B. 1070 requires Arizona law enforcement agents to question the immigration status of anyone suspected to be an undocumented immigrant; and

**Whereas**, Many suspect that this legislation will lead to racial profiling by law enforcement agents; and

**Whereas**, Many fear that this draconian law will be an example that other states will follow as they seek to combat illegal immigration; and

**Whereas**, On April 29, 2010, U.S. Attorney General Eric Holder announced that the U.S. Justice Department is considering whether to launch a court case challenging the Arizona law; and

**Whereas**, Mayor Chris Coleman of St. Paul, Minnesota, directed city employees to avoid using public funds to travel to Arizona; and

**Whereas**, Mayor Gavin Newsom of San Francisco, California, announced a ban on travel to Arizona for city employees in response to S.B. 1070; and

**Whereas**, Mayor Phil Gordon of Phoenix, Arizona, declared that his city is considering filing a suit against the state, stating S.B. 1070 "unconstitutionally co-opts [the Phoenix, Arizona] police force to enforce immigration laws that are the rightful jurisdiction of the federal government;" and

**Whereas**, The city councils in Tucson and Flagstaff, Arizona, voted to sue the state in an effort to prevent S.B. 1070 from going into effect; and

**Whereas**, Congressman Jose Serrano (D-NY) is calling on Major League Baseball to reconsider whether it would be appropriate for the 2011 All-Star Game to be held in Arizona; and

**Whereas**, In response to this anti-immigrant legislation, advocates and politicians from throughout the nation are deterring tourists from visiting Arizona; and

**Whereas**, According to the New York Daily News, New York based advocacy groups have sent a letter to President Obama requesting that he strike down the Arizona law; and

**Whereas**, On Saturday, May 1, 2010, rallies were held throughout the nation, including Foley Square and Union Square in New York City, to protest Arizona's legislation; and

**Whereas**, Participants in these New York City rallies, in keeping with New York's long tradition of supporting its immigrant communities, condemned S.B. 1070 and called for a boycott of the state of Arizona; and

**Whereas**, Cities, from Boston, Massachusetts, to Oakland, California, are calling for boycotts of the state of Arizona; now, therefore, be it

**Resolved**, That the Council of the City of New York calls for a boycott of the State of Arizona in response to its anti-immigrant legislation.

Referred to the Committee on Immigration.

Int. No. 231

By Council Members Vacca, Brewer, Dromm, Fidler, Foster, Gentile, Koppell, Koslowitz, Mendez, Nelson, Sanders, Van Bramer, Williams, James and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring photographs to be included with certain notices of violation for parking violations.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.3 to read as follows:

§14-118.3 *Handheld computers. Handheld computers used by the department to enforce laws, rules and regulations relating to parking violations put into service after the effective date of the local law that added this section shall be capable of taking photographs.*

§2. Subdivision a of section 19-204 of the administrative code of the city of New York is amended to read as follows:

a. The notice of violation shall contain information advising the person charged of the manner and the time in which he or she may plead either guilty or not guilty to the charge alleged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time provided shall be deemed, for all purposes, an admission of liability and that default judgment may be rendered. *Notices of violations alleging stopping, standing or parking in bus stops, in handicapped zones, in bicycle lanes, in crosswalks, on sidewalks, closer than fifteen feet to a fire hydrant, on the roadway side of a vehicle stopped, standing or parked at the curb, or alleging failure to display a required document or license plate, shall also contain a photograph evidencing the alleged violation, where the person issuing such violation is equipped with a handheld computer used to enforce laws, rules and regulations relating to parking violations capable of taking photographs and where practicable.* The form and wording of the notice of violation shall be prescribed by the director. A copy of each notice of violation served shall be filed and retained by the bureau, and shall be deemed a record kept in the ordinary course of business, and shall be prima facie evidence of the facts contained therein.

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

Referred to the Committee on Transportation.

Int. No. 232

By Council Members Vacca, Ferreras, Gentile, Van Bramer, Garodnick, Koo, Rodriguez, Rose, Ulrich, Koppell, Jackson, Lappin and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to amending the taxicab passengers' bill of rights.**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 14 and 15 of subdivision c of section 19-537 of Title 19 of the administrative code of the city of New York are amended and a new paragraph 16 is added to read as follows:

(14) a driver who does not use a cell phone (hand-held or hands free) while driving; [and]

(15) decline to tip for poor service[.]; and

(16) a vehicle equipped with an operational e-z pass and payment of tolls with such pass.

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

Referred to the Committee on Transportation.

Int. No. 233

By Council Members Vacca, Dromm, Fidler, Foster, Gentile, Koppell, Nelson, Rodriguez, Garodnick, Rose, Halloran, Koo, Brewer and Van Bramer.

**A Local Law to amend the New York city charter, in relation to reporting of overcharge complaints and enforcement actions by the taxi and limousine commission.**

*Be it enacted by the Council as follows:*

Section 1. Section 2302 of the New York city charter is amended to read as follows:

§2302. Reports of commission. All proceedings of the commission and all documents and records in its possession shall be public records and the commission shall make an annual report to the city council on or before the second Monday of January in each year. *Such annual report shall contain, among other things, information regarding all complaints received by the commission, including, but not limited to, allegations of overcharging and disaggregated by type of complaint, type of licensed vehicle and month such complaint was received by the commission, and a summary of all enforcement actions, including, but not limited to, illegal street hails, unlicensed vehicles, and toll lane infractions, undertaken by the commission. Such complaint and enforcement action information shall be posted on the commission's website and updated on a monthly basis.* The chairman of the city council committee on [consumer affairs] transportation may at any time direct the commission or the chairman of the commission to appear before the committee to give testimony pertaining thereto, and to furnish to the members of the council any reports deemed necessary.

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

Referred to the Committee on Transportation.

Int. No. 234

By Council Members Vacca, Chin, Dromm, Fidler, Foster, Koppell, Nelson and Rodriguez.

**A Local Law to amend the New York city charter, in relation to requiring a driver or retired driver member on the taxi and limousine commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 2301 of the New York city charter is amended to read as follows:

§2301. Membership of commission. a. The commission shall consist of nine members to be appointed with the advice and consent of the city council; *one of said members shall be a commission licensed driver or a retired driver who worked as a commission licensed driver for at least one year in the past five years; and five of said members, one resident from each of the five boroughs of New York city, shall be recommended for appointment by a majority vote of the [councilmen] council members of the respective borough.*

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

Referred to the Committee on Transportation.

Int. No. 235

By Council Members Vacca, Fidler, Foster, Gentile, Koppell, Nelson, Rodriguez, Williams, Garodnick, Rose, Halloran, Brewer, Van Bramer and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-508 of the administrative code of the city of New York is amended to read as follows:

§19-508 Meters, radios and other equipment. a. All taxicabs shall be equipped with [meters, and] *equipment which shall record and store all fare data, including the fare rate used for each fare and any other information required by the*

commission. All data required to be recorded and stored by such equipment shall be made available to the commission within seven days after a written request for such information from the commission. Information regarding a licensed driver's fares, fare rates, pickup and drop-off information shall be provided at no charge to such driver within seven days of a written request, up to twelve times a calendar year. Any entity found to have violated the provisions of this subdivision shall be liable for a fine of two hundred fifty dollars per day for each such violation until the violation is corrected. [t]The commission may permit or require other licensed vehicles to be equipped with the same or different types of meters.

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

Referred to the Committee on Transportation.

Int. No. 236

By Council Members Vacca and Gentile (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to fees for the inspection of taxicabs by the taxi and limousine commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 19-504 of the administrative code of the city of New York, as amended by local law number 115 for the year 1993, is amended to read as follows:

(f) All taxicabs now or hereafter licensed pursuant to the provisions of this chapter shall be inspected at an inspection facility operated by the commission at least once every four months, in accordance with a procedure to be established by the commission. All other vehicles now or hereafter licensed pursuant to the provisions of this chapter other than commuter vans shall be inspected at official inspection stations licensed by the commissioner of motor vehicles pursuant to section three hundred three of the vehicle and traffic law at least once every four months in accordance with the regulations of the commissioner of motor vehicles, codified in part seventy-nine of title fifteen of the official compilation of codes, rules and regulations of the state of New York (15 N.Y.C.R.R. part 79). All commuter vans now or hereafter licensed pursuant to the provisions of this chapter shall be inspected and shall meet safety standards as provided in paragraph two of subdivision a of section 19-504.3 of this chapter. *If any taxicab fails to pass such inspection, it shall be reinspected.* The fee payable to the commission for [the] *each inspection and each reinspection* required for the issuance of a certificate of inspection for a taxicab, inclusive of the issuance of such certificate, shall not exceed [thirty-five dollars for taxicabs inspected through June 30, 1991 and] fifty dollars [for taxicabs inspected on or after July 1, 1991]. [If any taxicab fails to pass such inspection, it shall be reinspected for no additional fee. If any taxicab fails to pass such reinspection, it shall be reinspected a second time for an additional fee of thirty-five dollars. If any taxicab fails to pass such second reinspection, it shall be reinspected a third time. No additional fee shall be charged for third or subsequent reinspections.] The fees payable to the official inspection station for the inspection and the issuance of a certificate of inspection for all other licensed vehicles other than commuter vans shall be the fees charged and collected pursuant to section three hundred five of the vehicle and traffic law. The commission or any other agency authorized by law may conduct on-street inspections of vehicles licensed pursuant to the provisions of this chapter. The date of the inspection of a taxicab and the signature of the persons making the inspection shall be recorded upon the rate card in the space provided therefor. An owner shall be ordered by the commission to repair or replace his or her licensed vehicle where it appears that it no longer meets the reasonable standards for safe operation prescribed by the commission. Upon failure of such owner to have his or her vehicle inspected or to comply with any such order within ten days after service thereof, the license shall be suspended; upon failure of such owner to comply with any such order within one hundred twenty days after service thereof, the license may, at the discretion of the commission, be deemed to have been abandoned by nonuser.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 237

By Council Members Vallone, Jr., Fidler, Gentile, Lappin, Van Bramer, Nelson and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to cellular telephone antennas and equipment.**

*Be it enacted by the Council as follows:*

Section 1. Title 28 of the administrative code of the city of New York, as amended by local law 33 for the year 2007, is amended by adding a new section 28-103.16.1 to read as follows:

§28-103.16.1 *Placement of cellular telephone service antennas and related equipment.* (a) *The department, in conjunction with such other city agencies as the commissioner shall determine, shall promulgate rules concerning the attachment, installation or mounting of cellular telephone service antennas and equipment on buildings or structures. Such rules shall contain, but need not be limited to, requirements for the manner in which cellular telephone service antennas and related equipment may be attached, installed, or mounted on buildings or structures; a requirement that any related wires or wiring running through a building or structure are properly enclosed or guarded in accordance with the electrical code; a requirement that prior to seeking a permit from the department to attach, install or mount a cellular telephone service antenna and related equipment on a building or structure, the applicant shall provide written notice of such intent to the community board and council member in whose respective districts the building or structure is located; requirements for the placement of an identification tag on cellular telephone service antennas and related equipment which shall include the permit number and an "advisory" to dial 311 where any exigent circumstances exist or for more information concerning such permit; a requirement that the permit applicant make best efforts to locate in a non-residential zone and make best efforts to co-locate cellular telephone service antennas and related equipment; guidance for aesthetical considerations to minimize the visual impacts of such antennas or related equipment where practical; and a protocol to address the removal of such antennas and related equipment following abandonment or discontinuance of service.*

(b) *The requirements of this section shall not apply to the placement or replacement of cellular telephone service antennas and related equipment, attached, installed or mounted by or on behalf of governmental agencies for a government purpose.*

§2. This local law shall take effect ninety days after its enactment into law; provided, however, that any actions necessary for the implementation of this local law may be taken prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 238

By Council Members Vallone Jr., Fidler, Nelson and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to resource and training assistance to New York City's community based volunteer ambulance companies.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new paragraph (3) to subdivision a of section 15-101 to read as follows:

(3) *"Voluntary ambulance service" shall mean a voluntary ambulance service as such term is defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand five of the public health law.*

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

§15-129 *Volunteer ambulance service.* a. *The department shall provide vehicle insurance and access to medical supplies for any volunteer ambulance service operating within the city of New York.*

b. *The department shall provide ambulance driver training for any person who meets criteria established by the commissioner and wishes to become a driver for any volunteer ambulance service operating within the city of New York.*

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

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 239

By Council Members Vallone and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to including rented vehicles operated by a for-hire driver into the definition of a for-hire vehicle.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-503.1 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

c. *For the purposes of this chapter, a for-hire vehicle shall include rented motor*

vehicles operated by a for-hire driver.

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

Referred to the Committee on Transportation.

Int. No. 240

By Council Members Vallone Jr., Gentile, Koppell, Nelson and Halloran.

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

*Be it enacted by the Council as follows:*

Section 1. Section 28-210.1 of the administrative code of the city of New York, is amended to read as follows:

§28-210.1 Illegal residential conversions. It shall be unlawful, except in accordance with all requirements of this code, to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department or if applicable the environmental control board shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the buildings or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

*b. Notwithstanding any other provision of law, the department or any other law enforcement entity acting to enforce this section shall be authorized to issue a summons or notice of violation for a violation of this section based on readily observable circumstantial evidence which evidence may be refuted before a court of competent jurisdiction or before the environmental control board prior to the imposition of a final determination. Examples of such circumstantial evidence include, but are not limited to, a greater number of mailboxes or mail receptacles servicing a dwelling than the number of legally authorized dwelling units in such dwelling; the existence of a greater number of operational utility meters servicing a dwelling for the same type of utility service than the number of legally authorized dwelling units in such dwelling, or a greater number of doorbells servicing a dwelling than the number of legally authorized dwelling units in such dwelling. A violation of this section which has been based on circumstantial evidence in accordance with this subdivision may not be deemed corrected unless the premises which is the subject of the violation has been inspected by the department.*

§2 Section 28-203.1 of the Administrative Code of the city of New York is amended to read as follows:

§28-203.1 Criminal fines and imprisonment. Except as otherwise specified in this code or other law, violations of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department shall be punishable by criminal fines and imprisonment within the ranges set forth below:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.

*1.1 Any violation of section 28-210.1 deemed an immediately hazardous condition shall be punishable by a fine of not less than one thousand dollars.*

§4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 241

By Council Members Vallone, Jr., Sanders and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to creating the offense of voyeurism.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-168 to read as follows:

§10-168. *Voyeurism. a. Definitions. The following terms shall have the following meanings:*

1. "Place and time when a person has a reasonable expectation of privacy" means a place and time when a reasonable person would believe that he or she

could disrobe in privacy, such as in an individual fitting room, a tanning booth, private residence, hotel room, or restroom.

*b. Voyeurism in a private place. It shall be unlawful to intentionally view another person, without such person's knowledge and consent, at a place and time when such person has a reasonable expectation of privacy, while such person is (1) in a state of undress or partial dress or (2) engaged in sexual activity.*

*c. Any person who violates subdivision b of this section shall be guilty of a class B misdemeanor.*

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

Referred to the Committee on Public Safety.

Res. No. 225

**Resolution calling upon the Legislature of the State of New York to amend the Vehicle and Traffic Law to require national background checks and fingerprinting of all applicants to drive limousines, for-hire cars and taxicabs licensed by the New York City Taxi and Limousine Commission.**

By Council Members Vallone Jr., Nelson and Halloran.

**Whereas**, As of 2010 according to the Taxi and Limousine Commission (TLC), in order for an applicant to become a licensed limousine driver in New York City, he or she must pass a Department of Motor Vehicles defensive driving test, be at least 19 years of age and have a New York State, New Jersey, Connecticut or Pennsylvania chauffeur's driver's license and an original Social Security card; and

**Whereas**, The TLC also requires that an applicant's fingerprints be taken and sent to the New York State Division of Criminal Justice Services (DCJS), which conducts a criminal background check that is confined to detecting convictions or arrests that occurred in New York State; and

**Whereas**, As first reported by the *Daily News* in 2004, people with convictions, including major felonies, in other states who move to New York State would not be detected unless they had informed their parole officer that they were moving to the State; and

**Whereas**, Within the past five years, the Federal Bureau of Investigation (FBI) and the Department of Homeland Security have issued bulletins to police and other government officials nationwide warning that terrorists have considered using rental vehicles, limousines, and vehicles with large storage capacity to conceal bombs; and

**Whereas**, According to the FBI, the limousines would not attract as much suspicion as a cargo van, but would have enough trunk space to hold a sizable bomb capable of doing considerable damage; and

**Whereas**, Despite the possibility that terrorists may use limousines to carry bombs, the *New York Daily News* claimed to find "glaring holes in the TLC's security checks that would-be terrorists could easily exploit;" and

**Whereas**, DCJS reports that applicants seeking to drive for-hire cars and taxicabs licensed by the TLC also do not undergo FBI background checks and only their New York State criminal arrests and convictions can be investigated; and

**Whereas**, The President of the Center for National Policy, an organization that advises the federal government on the country's most important national security issues, states that the current procedures for processing applicants to drive for-hire cars and taxicabs licensed by the TLC would not enable city investigators to flag a terrorist or criminal on the FBI's watch list; and

**Whereas**, The *Daily News* also asserts that New York State "has the authority and the capability to conduct FBI background checks," such as in the case of "applicants for civil service jobs in New York City and applicants for any job with the City's Department of Education;" and

**Whereas**, The DCJS affirms that expanding TLC's authority to include FBI background checks would require approval from the New York State Legislature; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Legislature of the State of New York to amend the Vehicle and Traffic Law to require national background checks and fingerprinting of all applicants to drive limousines, for-hire cars and taxicabs licensed by the New York City Taxi and Limousine Commission.

Referred to the Committee on Transportation.

Int. No. 242

By Council Members Van Bramer, Chin, Ferreras, Gentile and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to below ground work near flammable materials.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of Title 15 of the administrative code of the city of New

York is hereby amended by adding a new section 15-233 to read as follows:

*§15-233 Underground work near flammable materials. a. In addition to all other permits required by law, it shall be unlawful for any person to drill, dig or perform any other work below ground unless the department has been notified at least twenty days prior to such drilling or digging or other below ground work, where such drilling, digging or other below ground work would occur within one hundred feet of any pipe or other such instrumentation that carries oil, gas or any other similar such flammable substance. Such notification shall be in writing and hand delivered to the department.*

*b. The permitting agency shall have a representative present at all times when such drilling, digging or other below ground work is occurring, when such work is located within one hundred feet of such pipeline or other such instrumentation that carries gas, oil of other similar such flammable substance.*

*c. Any person who violates the provisions of subdivision a of this section shall be liable for a civil penalty of not less than one thousand nor more than five thousand dollars for each day on which such violation exists.*

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 226

**Resolution calling upon the New York State Assembly to pass and the Governor to sign A.10514, which would amend the Penal Law and the Criminal Procedure Law to increase penalties for physical assaults on the elderly and disabled.**

By Council Members Van Bramer, Brewer, Chin, Ferreras, Fidler, Gentile, Mendez, Rodriguez, Vann, Williams and Nelson.

**Whereas,** The elderly are among the most vulnerable members of our society and deserve special protection; and

**Whereas,** On April 5, 2010, an 81-year-old grandfather, who is a lifelong resident of Astoria, Queens, was viciously assaulted during a robbery outside of his apartment;

**Whereas,** The victim suffered extensive brain damage as a result from the attack; and

**Whereas,** The alleged assailant is a 23-year-old male with a prior criminal record including four robbery arrests and two assault arrests; and

**Whereas,** On March 10, 2007, a 101-year-old woman on her way to church was viciously assaulted and mugged outside of her Queens apartment;

**Whereas,** The victim suffered a broken cheek bone and spent three days in a hospital before being released; and

**Whereas,** Under current New York State Law, the assailant in this vicious assault on the 101-year-old victim would face only a misdemeanor charge; and

**Whereas,** Persons with visible disabilities are more likely to be targeted by criminals because they are perceived to be less likely to defend themselves or report the crime to law enforcement; and

**Whereas,** Persons who assault vulnerable members of society, such as the elderly and the disabled, should face harsher criminal penalties; and

**Whereas,** Under current New York State Law, physical attacks on elderly persons are treated as Class A misdemeanor offenses, with a penalty of up to one year in prison; and

**Whereas,** A.10514, currently pending in the New York State Assembly, would make an assault on a person over seventy years of age or a person with a disability either a Class D violent felony, punishable by up to seven years in prison, or a Class E felony, punishable by up to four years in prison; and

**Whereas,** Enactment of this law would signify society's interest in protecting its most vulnerable members; and

**Whereas,** Enactment of this law would effectively set a standard and send a message that violence against the elderly is not acceptable and will not be tolerated; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign A.10514, which would amend the Penal Law and the Criminal Procedure Law to increase penalties for physical assaults on the elderly and disabled.

Referred to the Committee on Public Safety.

L.U. No. 91

By Council Member Recchia:

**Lafayette Manor, 226 Fillmore Street, Staten Island, Council District No. 49, Section 422 of the Real Property Tax Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 92

By Council Member Recchia:

**Navy Green, 136-50 Flushing Avenue, Brooklyn, Council District No. 35, 696 of the General Municipal Laws.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 93

By Council Member Recchia:

**112-114 Eldridge Street, Block 413, Lot 4, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 94

By Council Member Recchia:

**28-30 Henry Street, Block 277, Lots 43 and 44, Manhattan, Council District No. 1, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 95

By Council Member Recchia:

**58-62 Hester Street, Block 298, Lot 15, Council District No. 1, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 96

By Council Member Recchia:

**Council Towers VI Senior Housing, Block 6792 Lot: p/o1, Queens, Council District No. 24, Section 422 of the Real Property Tax Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 97

By Council Member Comrie:

**Application no. C 100199 ZMQ submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 98

By Council Member Comrie:

**Application no. N 100200 ZRQ submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3, Sections 23-144, and Appendix F relating to the extension of the Inclusionary Housing Program to proposed R7A districts, Borough of Queens, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 99

By Council Member Comrie:

**Application no. 20105445 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Tres De Mexico LLC, d/b/a/ Mesa Coyoacan, to establish, maintain and operate an unenclosed sidewalk café located at 372 Graham Avenue, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 100

By Council Member Comrie:

**Application no. 20105458 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 300 West 46<sup>th</sup> St. Corp., d/b/a Brasserie Athenee, to establish, maintain and operate an unenclosed sidewalk café located at 300 West 46<sup>th</sup> 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. 101

By Council Member Comrie:

**Application no. 20105619 HAX, a request for approval of a plan and project located at 1600 Sedgwick Avenue, Borough of the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 102

By Council Member Comrie:

**Application no. 20105620 HAX, a request for a conveyance for a project located at Block 2880/Lot 91, Borough the Bronx, Council District no. 16. This matter is subject to Council Review and action pursuant to Article V of the Private Housing Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 103

By Council Member Comrie:

**Application no. 20105621 HAX, an amendment to an Urban Development Action Area Project located at 3120 Park Avenue, 720-722 East 161<sup>st</sup> Street, 748 Jackson Avenue and 451 East 159<sup>th</sup> Street, Council District no. 17, 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 696 of the General Municipal Law for a tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 104

By Council Member Comrie:

**Application no. 20105622 HAX, an amendment to an Urban Development Action Area Project located at 1434-8 Morris Avenue, Council District no. 16, 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 696 of the General Municipal Law for a tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 105

By Council Member Comrie:

**Application no. 20105623 HAK an Urban Development Action Area Project located at 281 Montauk Avenue, 664 Georgia Avenue and 662 Pine 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 a tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 106

By Council Member Comrie:

**Application no. 20105624 HAK an Urban Development Action Area Project located at 312 Hendrix Street, Council District no. 37, 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 a tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

NEW YORK CITY COUNCIL FISCAL YEAR 2011 EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XXXVI & CD-XXXVII Programs for the Fiscal Year 2011 to be held in the Council Chambers, City Hall, as follows:

Thursday, May 13, 2010

★ Note Time Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 11:15 - 12:15	Finance	Finance
★ 12:15 - 1:15	Design & Construction	Finance
★ 1:15 - 2:15	Environmental Protection (Capital)	Environmental Protection
★ 2:15 - 3:15	Environmental Protection (Expense)	Environmental Protection

Friday, May 14, 2010

★ Deferred ★★ Note Time Changes ★★★ Addition

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 10:00 - 10:30	<del>Equal Employment Practices Commission</del>	<del>Civil Rights</del>
★★ 10:00 - 10:30	Human Rights Commission	Civil Rights
★★ 10:30 - 12:00	City University of New York	Higher Education
★★★ 12:00 - 2:00	Education & School Construction Authority (Capital)	Education

Monday, May 17, 2010

Subcommittee on **ZONING & FRANCHISES** .....9:30 A.M.  
See Land Use Calendar Available Wednesday, May 12, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16<sup>th</sup> Floor .....Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**11:00 A.M.  
See Land Use Calendar Available Wednesday, May 12, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. 1:00 P.M.  
See Land Use Calendar Available Wednesday, May 12, 2010, in Room 5 City Hall Hearing Room – 250 Broadway, 16<sup>th</sup> ..... Stephen Levin, Chairperson

★ Addition ★★ Note Time Change

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:45	Citywide Administrative Services	Governmental Operations
10:45 - 11:45	Board of Elections	Governmental Operations
11:45 - 12:30	Campaign Finance Board	Governmental Operations
★ 12:30 - 2:00	Aging	Aging
★★ 2:00 - 3:00	Juvenile Justice	Juvenile Justice

Tuesday, May 18, 2010

Time	Agency Testifying	Finance Committee jointly with Council Committee
9:30 - 11:00	Human Resources Administration / Social Services	General Welfare
11:00 - 1:00	Administration for Children's Services	General Welfare and Women's Issues
1:00 - 3:00	Homeless Services	General Welfare

Friday, May 21, 2010

★ Addition ★★ Deferred

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Transportation (Expense)	Transportation
10:30 - 11:15	Transportation (Capital)	Transportation
11:15 - 11:45	MTA NYC Transit (Capital)	Transportation
11:45 - 12:15	MTA NYC Transit (Expense)	Transportation
12:15 - 1:00	Taxi & Limousine Commission	Transportation
★ 1:00 - 1:45	NYCHA	Public Housing
★★ 4:00 - 3:00	<del>Education &amp; School Construction Authority (Capital)</del>	<del>Education</del>

Monday, May 24, 2010

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Consumer Affairs	Consumer Affairs
10:30 - 11:00	Business Integrity Commission	Consumer Affairs
11:00 - 1:00	Education (Expense)	Education

★ Addition

Committee on **HEALTH**..... 1:00 P.M.  
Int. No. 206 - By Council Member Arroyo - A Local Law to amend the administrative code of the city of New York, in relation to certain provisions of title 17 and to repeal subchapters 1 and 5 of chapter 3, relating to permits for the sale or transfer of milk and milk products and to medical records respectively.  
Int. No. 207 - By Council Member Arroyo - A Local Law to amend the administrative code of the city of New York, to repeal and reenact section 17-337 relating to air quality standards for compressed air in underwater breathing tanks.  
Int. No. 226 - By Council Member Palma - A Local Law to amend the administrative code of the city of New York, in relation to information and reporting on child care facilities and to repeal section 17-920, relating to reports regarding child care facilities.  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Maria del Carmen Arroyo, Chairperson

★ Addition

Committee on **VETERANS** ..... 1:00 P.M.  
Oversight - Methods to Enhance Outreach to the Veterans Community

Res 56 - By Council Members Mark-Viverito, Chin, Dromm, Ferreras, James, Sanders, Williams, Rodriguez, Nelson and Eugene - Resolution calling on the New York State Department of Motor Vehicles to insert a question on the driver's license application that inquires about veteran status, in an effort to obtain an accurate count of veterans in the State.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Mathieu Eugene, Chairperson

**Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS..... 2:00 P.M.**

Off-Site Hearing and Tour: Oversight - Materials for the Arts Warehouse in Long Island City

Location:  
Materials for the Arts  
33-00 Northern Boulevard  
Long Island City, NY  
Details Attached..... James Van Bramer, Chairperson

**★ Addition**

**Committee on TRANSPORTATION ..... 2:30 P.M.**

Int. No. 232 - By Council Member Vacca - A Local Law to amend the administrative code of the city of New York, in relation to amending the taxicab passengers' bill of rights.

Int. No. 233 - By Council Member Vacca - A Local Law to amend the New York city charter, in relation to reporting of overcharge complaints and enforcement actions by the taxi and limousine commission.

Int. No. 234 - By Council Member Vacca - A Local Law to amend the New York city charter, in relation to requiring a driver or retired driver member on the taxi and limousine commission.

Int. No. 235 - By Council Member Vacca - A Local Law to amend the administrative code of the city of New York, in relation to certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... James Vacca, Chairperson

**Tuesday, May 25, 2010**

**★ Note Location Change**

**Committee on LAND USE..... 10:00 A.M.**

All items reported out of the subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

★ Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

**★ Note Location Change**

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00 - 12:00	City Planning	Land Use ★ Location: 250 Broadway 16 <sup>th</sup> Floor – Hearing Room
12:00 - 1:30	Information Technology and Telecommunications	Land Use and Technology in Government

**★ Note Time Changes**

Time	Agency Testifying	Finance Committee jointly with Council Committee – Council Chambers
★ 9:30 - 11:00	Youth and Community Development	Youth Services & Community Development
★ 11:00 - 12:00	Small Business Services	Economic Development and Small Business and Community Development

★ 12:00-1:00	Economic Development Corporation	Economic Development
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**★ Addition**

Stated Council Meeting..... Agenda – 2:30 p.m.

**Thursday, May 27, 2010**

**★ Deferred**

Stated Council Meeting..... Ceremonial Tributes 1:00 p.m.  
..... Agenda 1:30 p.m.

**Friday, May 28, 2010**

**★ Addition**

**Committee on ENVIRONMENTAL PROTECTION..... 10:00 A.M.**

Int 194 - By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Sanders Jr., Van Bramer and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to the use of clean heating oil in New York City.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... James F. Gennaro, Chairperson

**Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 10:00 A.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Elizabeth Crowley, Chairperson

**Committee on SANITATION AND**

**SOLID WASTE MANAGEMENT ..... 10:00 A.M.**

Agenda to be announced

Council Chambers – City Hall ..... Letitia James, Chairperson

**★ Deferred**

**Committee on TRANSPORTATION..... 1:00 P.M.**

Agenda to be announced

Council Chambers – City Hall ..... James Vacca, Chairperson

**★ Addition**

**Committee on IMMIGRATION ..... 1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

**★ Addition**

**Committee on HOUSING AND BUILDINGS ..... 1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

**Tuesday, June 1, 2010**

**★ Deferred ★★ Note Time Changes**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
12:30 - 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
1:30 - 2:30	Legal Aid	Fire & Criminal Justice Svcs.
★ 2:30 - 3:00	Investigation	Oversight and Investigations
★★ 2:30 - 3:30	Parks & Recreation	Parks & Recreation

**Wednesday, June 2, 2010**

★ *Deferred*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
★ 10:00 — <del>11:30</del>	Aging	Aging
11:30 - 12:00	Medical Examiner	Health
12:00 - 1:30	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
1:30 - 3:30	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

**Thursday, June 3, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Police	Public Safety
12:00 - 1:15	District Attorney / Special Narcotics Prosecutor	Public Safety
1:15 - 1:45	Office of Emergency Management	Public Safety
1:45 - 2:45	Civilian Complaint Review Board	Public Safety
2:45 - 4:45	Sanitation	Sanitation and Solid Waste Management

**Friday, June 4, 2010**

★ *Note Time Changes* ★★ *Deferred*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Select Committee
★ 10:00 - 11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Select Committee on Libraries
★ 11:30 - 12:45	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
★ 12:45 - 1:15	Housing Preservation & Development (Expense)	Housing & Buildings
★ 1:15 - 2:00	Housing Preservation & Development (Capital)	Housing & Buildings
★ 2:00 - 3:00	Buildings	Housing & Buildings
★★ 3:00 - 3:45	NYCHA	Public Housing

**Monday, June 7, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 - 1:30	Comptroller	Finance
1:30 - 2:00	Independent Budget Office	Finance
2:00	Public	

**THE NEXT STATED MEETING**

**WILL TAKE PLACE ON**

**TUESDAY, MAY 25, 2010**

*Stated Council Meeting..... Agenda – 2:30 p.m.*

MEMORANDUM

**May 7, 2010**

**TO: ALL COUNCIL MEMBERS**

**RE: OFF-SITE HEARING AND TOUR BY THE COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**

**Please be advised that all Council Members are invited to attend an off-site hearing and tour:**

**Oversight - Materials for the Arts Warehouse in Long Island City**

**Materials for the Arts  
33-00 Northern Boulevard**

The tour will be on **Monday, May 24, 2010 beginning at 2:00 p.m.** A van will be leaving City Hall at **1:30 p.m. sharp.**

Council Members interested in riding in the van should call Rachel Cordero at **212-788-9073.**

James Van Bramer., Chairperson  
Committee on Cultural Affairs,  
Council  
Libraries & International  
Intergroup Relations

Christine C. Quinn  
Speaker of the

**EXECUTIVE BUDGET 2011**

**NEW YORK CITY COUNCIL FISCAL YEAR 2011 EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the **Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XXXVI & CD-XXXVII Programs for the Fiscal Year 2011** to be held in the Council Chambers, City Hall, as follows:

**Thursday, May 13, 2010**

★ *Note Time Changes*

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 11:15 - 12:15	Finance	Finance
★ 12:15 - 1:15	Design & Construction	Finance
★ 1:15 - 2:15	Environmental Protection (Capital)	Environmental Protection
★ 2:15 - 3:15	Environmental Protection (Expense)	Environmental Protection

Friday, May 14, 2010

★ Deferred ★★ Note Time Changes ★★★ Addition

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 10:00–10:30	Equal Employment Practices Commission	Civil Rights
★★ 10:00 - 10:30	Human Rights Commission	Civil Rights
★★ 10:30 - 12:00	City University of New York	Higher Education
★★★ 12:00 - 2:00	Education & School Construction Authority (Capital)	Education

Monday, May 17, 2010

★ Addition ★★ Note Time Change

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:45	Citywide Administrative Services	Governmental Operations
10:45 - 11:45	Board of Elections	Governmental Operations
11:45 - 12:30	Campaign Finance Board	Governmental Operations
★ 12:30 - 2:00	Aging	Aging
★★ 2:00 - 3:00	Juvenile Justice	Juvenile Justice

Tuesday, May 18, 2010

Time	Agency Testifying	Finance Committee jointly with Council Committee
9:30 - 11:00	Human Resources Administration / Social Services	General Welfare
11:00 - 1:00	Administration for Children's Services	General Welfare and Women's Issues
1:00 - 3:00	Homeless Services	General Welfare

Friday, May 21, 2010

★ Addition ★★ Deferred

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Transportation (Expense)	<u>Transportation</u>
10:30 - 11:15	Transportation (Capital)	<u>Transportation</u>
11:15 - 11:45	MTA NYC Transit (Capital)	<u>Transportation</u>
11:45 - 12:15	MTA NYC Transit (Expense)	<u>Transportation</u>
12:15 - 1:00	Taxi & Limousine Commission	<u>Transportation</u>
★ 1:00 - 1:45	NYCHA	<u>Public Housing</u>
★★ 1:00–3:00	Education & School Construction Authority (Capital)	Education

Monday, May 24, 2010

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Consumer Affairs	Consumer Affairs
10:30 - 11:00	Business Integrity Commission	Consumer Affairs
11:00 - 1:00	Education (Expense)	Education

Tuesday, May 25, 2010

★ Note Location Change

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: 250 Broadway 16 <sup>th</sup> Floor – Hearing Room
11:00 - 12:00	City Planning	Land Use
12:00 - 1:30	Information Technology and Telecommunications	Land Use and Technology in Government

★ Note Time Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee
★ 9:30 - 11:00	Youth and Community Development	Youth Services & Community Development
★ 11:00 - 12:00	Small Business Services	Economic Development and Small Business and Community Development
★ 12:00-1:00	Economic Development Corporation	Economic Development

Tuesday, June 1, 2010

★ Deferred ★★ Note Time Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.
12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
12:30 - 1:30	Criminal Justice Coordinator (Indigent Defense Services)	Fire & Criminal Justice Svcs.
1:30 - 2:30	Legal Aid	Fire & Criminal Justice Svcs.
★ 2:30–3:00	Investigation	<del>Oversight and Investigations</del>
★★ 2:30 - 3:30	Parks & Recreation	Parks & Recreation

**Wednesday, June 2, 2010**

**★ Deferred ★★ Note Time Changes**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
<del>10:00 - 11:30</del>	<del>Aging</del>	<del>Aging</del>
★★ 10:00 - 10:30	Medical Examiner	Health
★★ 10:30 - 12:00	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
★★ 12:00 - 2:00	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

**Thursday, June 3, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 12:00	Police	Public Safety
12:00 - 1:15	District Attorney / Special Narcotics Prosecutor	Public Safety
1:15 - 1:45	Office of Emergency Management	Public Safety
1:45 - 2:45	Civilian Complaint Review Board	Public Safety
2:45 - 4:45	Sanitation	Sanitation and Solid Waste Management

**Friday, June 4, 2010**

**★ Note Time Changes ★★ Deferred**

Time	Agency Testifying	Finance Committee jointly with Council Committee and Select Committee
★ 10:00 - 11:30	Libraries	<u>Cultural Affairs, Libraries &amp; International Intergroup Relations jointly with Select Committee on Libraries</u>
★ 11:30 - 12:45	Cultural Affairs	<u>Cultural Affairs, Libraries &amp; International Intergroup Relations</u>
★ 12:45 - 1:15	Housing Preservation & Development (Expense)	Housing & Buildings
★ 1:15 - 2:00	Housing Preservation & Development (Capital)	Housing & Buildings
★ 2:00 - 3:00	Buildings	Housing & Buildings
★★ <del>3:00 - 3:45</del>	NYCHA	<u>Public Housing</u>

**Monday, June 7, 2010**

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 - 1:30	Comptroller	Finance
1:30 - 2:00	Independent Budget Office	Finance
2:00	Public	

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, May 25, 2010.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council









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