

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
TUESDAY, JUNE 14, 2011

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**THE COUNCIL**

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*Minutes of the  
STATED MEETING*

*of*  
Tuesday, June 14, 2011, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

|                         |                        |                         |
|-------------------------|------------------------|-------------------------|
| Maria del Carmen Arroyo | David G. Greenfield    | James S. Oddo           |
| Charles Barron          | 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             |
| Daniel R. Garodnick     | Darlene Mealy          | James G. Van Bramer     |
| Vincent J. Gentile      | Rosie Mendez           | Mark S. Weprin          |
| Sara M. Gonzalez        | Michael C. Nelson      | Jumaane D. Williams     |
|                         |                        | Ruben Wills             |

Excused on June 14, 2011: Council Members Brewer, Foster, Gennaro and Palma.

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 47 Council Members present on June 14, 2011 at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

**\* Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 14, 2011 and the Recessed Council Meetings held on June 15, 2011 and June 28, 2011:** *The Stated Meeting of June 14, 2011 was opened and subsequently recessed on June 14, 2011, re-opened and recessed again on June 15, 2011, and re-opened once more before being finally adjourned after a brief procedural meeting held on June 28, 2011. The Recessed Meetings held respectively on June 15, 2011 and June 28, 2011 are therefore, considered the continuation and conclusion of the Stated Meeting that originally opened on June 14, 2011. These*

*three proceedings together constitute and are known collectively as the Stated Council Meeting of June 14, 2011. Though not present on June 14, 2011, Council Members Brewer and Gennaro were present at the Recessed Meeting held on June 15, 2011 and are, therefore, considered present for attendance and voting purposes for the Stated Meeting of June 14, 2011. Council Members Brewer and Gennaro chose to cast affirmative votes on June 15, 2011 for the items presented for a vote at this Stated Meeting held on June 14, 2011 (for revised vote, please see the LU-Call-up and General Order Calendar votes printed in these Minutes of the Stated Meeting of June 14, 2011).*

**INVOCATION**

The Invocation was delivered by Pastor Joseph Tolton, Rehoboth Temple Christ Conscious Church, 310 West 139th Street New York, NY 10030.

The peace of God be with you.  
Let us pray.

All wise and wonderful God,  
We reverence your majesty  
and acknowledge your sovereignty.  
God, we are clear that you are a Spirit  
whose essence is love,  
and we affirm the validity of your many names  
and expressions to humankind.  
I pray from the tradition of my Christian experience,  
as I hold closely the notion that truth is universal.  
God, I pray that you anoint this august body of leaders  
as you have called them to public service.  
May the power of your Spirit possess them,  
as they debate and deliberate in the interest  
of creating fair and just policies  
to empower the people of this great city.  
With specificity, we pray, God,  
for your wisdom in the area of economic development.  
We entreat your counsel to be with us  
as we seek to advance the economic engine  
of the city, the state and the country.  
May your leaders be sensitive  
to the housing needs of your people,  
and let us reaffirm our commitment to the middle class,  
the working poor, and our children's education.  
Bless each leader in their personal life,  
that they may be free to be focused on the task at hand.  
For your invisible hand being felt  
in the halls of government  
as a weighty and directive force,  
we thank you.  
And those who agreed, said Amen.

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

**ADOPTION OF MINUTES**

Council Member Barron moved that the Minutes of the Stated Meeting of May 11, 2011 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-531

**Communication from the Mayor - Submitting the name of Rayann Besser to the Council for its advice and consent regarding her re- appointment to the New York City Planning Commission, pursuant to Sections 192(a) of the 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 Rules, Privileges and Elections.

Preconsidered M-532

**Communication from the Mayor - "AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof". S.5706-A, A.8305-A**

(The following is the text from the Bluebacks submitted and signed by the Mayor:)

**HOME RULE REQUEST**

**(Request by a Local Government for Enactment of a Special Law)**

*To the Legislature:*

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Senate bill (No. 5706-A), entitled:

**"AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof".**

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

The local government does not have the power to enact such legislation by local law.

Other facts, as set forth in the following "Explanation" establish such necessity.

**EXPLANATION**

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

**READ BEFORE SIGNING**

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

(Signed) \_\_\_\_\_  
(Chief Executive Officer)

**MICHAEL R. BLOOMBERG**  
(Print or Type Name Below Signature)

Mayor

(Title of Chief Executive Officer)

Date: June 14, 2011

**CLERK'S CERTIFICATION**

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) \_\_\_\_\_  
Clerk

[SEAL OF LOCAL GOVERNMENT]

**MICHAEL McSWEENEY**  
(Print or Type Name Below Signature)

Date: June 14, 2011

**(The following is the text of the Senate bill:)**

STATE OF NEW YORK

5706--A
2011-2012 Regular Sessions

IN SENATE

June 10, 2011

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Notwithstanding any provision of law to the contrary, the city of New York is hereby authorized to discontinue the use as parkland of the land described as follows, and to use such land or sell, lease or otherwise transfer such land and interests therein to the United Nations development corporation for such purposes as are consistent with the provisions of chapter 345 of the laws of 1968, as amended:
An area in the borough of Manhattan, city of New York, bounded on the west by the east side of United Nations Plaza (First Avenue); on the south by the north side of Forty-first Street; on the north by the south side of Forty-second Street; and on the east by a line that begins on the north side of Forty-first Street, is located one hundred forty-six feet seven eighths inches east of and parallel to United Nations Plaza (First Avenue) and runs north for a distance of one hundred ninety-seven feet six inches, ending at the south side of Forty-second Street, such area being sixty-six hundredths and twenty-three ten thousandths of an acre (.6623 acres).

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13074-06-1

http://nyslrs.state.ny.us/NYSLBDC1/bstfrme.cgi

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§ 2. The authorization contained in section one of this act shall take effect only (a) upon the condition that a memorandum of understanding is completed and signed by the mayor of the city of New York, the temporary president of the senate, and the speaker of the assembly, after consultation with the members of the senate, the assembly and the city council of the city of New York representing the area in which the parkland described in section one of this act is located, which memorandum of understanding shall, among other matters: (i) identify the extent of, the sources for and the procedures applicable to funding for parkland and other recreational space in the borough of Manhattan to replace the parkland described in section one of this act; (ii) provide for the city of New York to designate and map parkland in the borough of Manhattan that will, in conjunction with parkland that the city of New York so designates and maps pursuant to section three of this act, have a fair market value in the aggregate of no less than the fair market value of the parkland described in section one of this act; (iii) provide for the city of New York to take possession of the area within the borough of Manhattan, city of New York, known as the ConEd Waterside Pier between Thirty-eighth and Forty-first Streets, for the prior user of said area to make a payment for the structural rehabilitation of said area and for the city of New York to commence said rehabilitation after such payment is made; and (iv) provide for a portion of amounts available to the city of New York in the future in the event of an ownership transfer by sale or otherwise or a refinancing involving the existing buildings at One and Two United Nations Plaza (First Avenue) in the borough of Manhattan, city of New York, to be dedicated toward the costs of a continuous walkway and bike path along the East River or the costs of other parkland in the borough of Manhattan; and (b) upon the further condition that the city of New York satisfies the obligations as described in such memorandum of understanding as being required to be satisfied prior to the alienation of the parkland described in section one of this act. The authorization contained in section one of this act shall be negated if the city of New York fails to satisfy such obligations described in such memorandum of understanding as being required to be satisfied prior to alienation of the parkland described in section one of this act. Any obligations of the city of New York set forth in such memorandum of understanding and not described therein as being required to be satisfied prior to the alienation of the parkland described in section one of this act, shall, to the extent stated in such memorandum of understanding, survive such alienation and be enforceable against the city of New York with the same effect as if included in this act. Persons described in such memorandum of understanding as having standing to pursue equitable remedies against the city of New York to enforce any obligation that the city of New York may be required to satisfy as described in such memorandum of understanding shall have standing to pursue such equitable remedies. The preceding two sentences shall not limit any other remedies that may be available as provided in such memorandum of understanding.

§ 3. Notwithstanding anything to the contrary contained in any general, special or local law, including the New York city charter and administrative code of the city of New York, and provided that the memorandum of understanding is completed and signed as provided in section two of this act, and provided further that the city of New York has satisfied the obligations as described in such memorandum of understanding as being required to be satisfied prior to the provisions of this section three being effective, the city of New York, acting by its mayor alone, or his or her designee, is hereby authorized and empowered to take such

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administrative and other actions as are necessary or desirable, all of which shall be deemed ministerial, to demap, discontinue and close as part of public streets of the city of New York, located in the borough of Manhattan, the following area of approximately sixty-two hundredths and sixty-seven ten thousandths of an acre (.6267 acres), located in the borough of Manhattan, city of New York, for purposes of designating and mapping such area as parkland, such administrative and other actions being also authorized for such designation and mapping as parkland: Beginning at the northwest corner of the intersection of East Twenty-third Street and Asser Levy Place, as those streets were heretofore laid out on the map of the city of New York, thence running approximately sixty feet in an easterly direction along the southerly line of Asser Levy Place to a point, thence running approximately four hundred fifty-five feet in a northerly direction, said course forming a deflection angle to the left with the previous course of ninety degrees, no minutes and no seconds, thence running approximately sixty feet in a westerly direction, said course forming a deflection angle to the left with the previous course of ninety degrees, no minutes and no seconds, thence running approximately four hundred fifty-five feet in a southerly direction, said course forming a deflection angle to the left of ninety degrees, no minutes and no seconds to the place or point of beginning.

§ 4. Section 1 of chapter 345 of the laws of 1968, relating to establishing a United Nations development district, is amended by adding five new subdivisions 10-a, 13, 13-b, 14 and 15 to read as follows:

10-a. "Further development plan at 42nd Street." A development plan for the United Nations 42nd Street consolidation area, including improvements within said area and any improvements incidental thereto outside said area.

13. "Reuse project." The initial reuse project and the additional reuse project described in subdivisions thirteen-a and thirteen-b, respectively, of section one of this chapter.

13-b. "Additional reuse project." The acquisition of land, easement and other rights within or appurtenant to the area in the borough of Manhattan, city of New York, described in this subdivision, and the maintenance, repair, operation, alteration and renovation, from time to time, of improvements located on such land, exclusively for use by the United Nations, including its organs, subsidiary bodies and specialized and other agencies and members of the public visiting United Nations headquarters in the city of New York. The area referred to above is bounded and described as follows: Beginning at the northwest corner of Forty-fifth Street and United Nations Plaza (First Avenue), running thence westerly along Forty-fifth Street a distance of one hundred feet, running thence northerly, parallel to United Nations Plaza (First Avenue), a distance of eighty feet five inches, running thence easterly, parallel to Forty-fifth Street, a distance of twenty feet, running thence southerly, parallel to United Nations Plaza (First Avenue), a distance of forty feet, running thence easterly, parallel to Forty-fifth Street, a distance of eighty feet, and running thence southerly along United Nations Plaza (First Avenue) a distance of forty feet five inches to the place or point of beginning. Provided that the memorandum of understanding is completed and signed as provided in section two of the chapter of the laws of 2011 that added this subdivision and provided further that the city of New York shall have satisfied the obligations as described in such memorandum of understanding as being required to be satisfied prior to the corporation undertaking the additional reuse project, the additional reuse project and the site thereof shall for all

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purposes be deemed to be located within the district and be deemed also to be a project as defined in this chapter and shall, except for any new construction or any increase in the height or floor area of any previously constructed building, be deemed for all purposes to be part of and to conform to a development plan for a portion of the district, which has been formulated, reviewed and approved in accordance with section seven of this chapter.

14. "United Nations 42nd Street Consolidation Project." The acquisition by lease or otherwise from the city of New York and other parties, if any, of land, easement and other rights within the United Nations 42nd Street consolidation area, and associated property interests related thereto, and from time to time thereafter, the construction, alteration, renovation and rebuilding, and the ownership or operation, including repair and maintenance, of office space and related facilities, a tunnel (to provide secure passage from and to United Nations permanent headquarters), and space and facilities related to the foregoing, exclusively for use by the United Nations, including its organs, subsidiary bodies and specialized and other agencies; the construction within, and improvement, alteration, use and operation of, below but not above-grade volumes of space, after the same are demapped, discontinued and closed as part of public streets of the city of New York, located in the borough of Manhattan east of United Nations Plaza (First Avenue) below Forty-second Street or below the roadway of the Franklin D. Roosevelt (East River) drive, for purposes of such tunnel; the creation, improvement, alteration and renovation of space, facilities and improvements within or outside the United Nations 42nd Street consolidation area to the extent incidental to such office space and tunnel; and the corporation's cooperation with and assistance to the city of New York concerning planning for, and the corporation's payment of costs of, parkland replacement to compensate for discontinuing the use as parkland of a portion of Robert Moses Playground in the borough of Manhattan for purposes of the United Nations 42nd Street consolidation project. Provided that the memorandum of understanding is completed and signed as provided in section two of the chapter of the laws of 2011 that added this subdivision, the land, buildings and other improvements included in or otherwise part of the United Nations 42nd Street consolidation project shall for all purposes be deemed to be located within the district and be deemed also to be part of a project as defined in this chapter.

15. "City council." The city council of the city of New York.
§ 4-a. Subdivisions 10 and 13-a of section 1 of chapter 345 of the laws of 1968, relating to establishing a United Nations development district, subdivision 13-a as added by chapter 34 of the laws of 1993, are amended to read as follows:

10. "Development plan." A plan or plans, including a further development plan at 42nd Street, and including any supplements, additions or amendments to such plan or plans, for the development of all or part of the district which shall include but shall not be limited to: A statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed public, semi-public, private or community facilities or utilities, with a site plan and drawings therefor; a statement as to the relationship between the development plan and a comprehensive plan for the development of the municipality as a whole; a statement as to proposed new codes and ordinances and amendments to

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1 existing codes and ordinances as are required or necessary to effectuate  
2 the plan or plans; a proposed time schedule for the effectuation of such  
3 plan or plans, and such additional statements or documentation as the  
4 corporation may deem appropriate.

5 13-a. ~~Reuse~~ "Initial reuse project." The acquisition and alteration,  
6 renovation or rebuilding, from time to time, without any increase in the  
7 height of any previously constructed building and without any  
8 construction on any vacant land, of real property consisting of any  
9 previously constructed commercial building or buildings, or any portion  
10 thereof, and the land and associated property interests related thereto,  
11 primarily for use by the United Nations, including its organs, subsid-  
12 iary bodies and specialized and other agencies, provided that: any such  
13 acquisition shall occur before December 31, 1998; such building or  
14 buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845  
15 United Nations Plaza in the borough of Manhattan, city of New York; not  
16 more than eight hundred thousand square feet of floor area shall be  
17 acquired if such floor area is located in more than one of such build-  
18 ings; and the corporation shall not transfer any unused development  
19 rights from any of such buildings or add to any of such buildings any  
20 unused development rights from any other property. The reuse project  
21 shall for all purposes be deemed to be located within the district and  
22 be deemed also to be a project and to be part of and to conform to a  
23 development plan for a portion of the district, which has been formu-  
24 lated, reviewed and approved in accordance with section seven of this  
25 chapter.

26 § 5. Chapter 345 of the laws of 1968, relating to establishing a  
27 United Nations development district, is amended by adding a new section  
28 3-a to read as follows:

29 § 3-a. Establishment of United Nations 42nd Street consolidation  
30 area. The following area lying south of the permanent headquarters of  
31 the United Nations, in the borough of Manhattan, city of New York, and  
32 bounded and described as follows, is hereby designated as the "United  
33 Nations 42nd Street consolidation area": Beginning at the northeast  
34 corner of United Nations Plaza (First Avenue) and Forty-first Street,  
35 running easterly along the northerly side of Forty-first Street a  
36 distance of three hundred five feet seven eighths inches, running thence  
37 northerly, parallel to United Nations Plaza (First Avenue), a distance  
38 of one hundred sixty-eight feet, running thence westerly, parallel to  
39 Forty-first Street, a distance of one hundred fifty-nine feet, running  
40 thence northerly, parallel to United Nations Plaza (First Avenue), a  
41 distance of twenty-nine feet six inches, running thence westerly, along  
42 the southerly side of Forty-second Street, a distance of one hundred  
43 forty-six feet seven eighths inches, and running thence southerly, along  
44 the easterly side of United Nations Plaza (First Avenue), a distance of  
45 one hundred ninety-seven feet six inches, to the point or place of  
46 beginning. Provided that the memorandum of understanding is completed  
47 and signed as provided in section two of the chapter of the laws of 2011  
48 that added this section, the land included in the United Nations 42nd  
49 Street consolidation area shall for all purposes be deemed to be located  
50 within the district.

51 § 6. Section 6 of chapter 345 of the laws of 1968, relating to estab-  
52 lishing a United Nations development district, subdivision 3 as amended  
53 by chapter 623 of the laws of 1971, is amended to read as follows:

54 § 6. Powers and duties of corporation. The powers and duties of the  
55 corporation shall be:

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1 (1) to undertake surveys of the present and anticipated need: for  
2 ~~locations for missions;~~ office space, meeting facilities, ~~and~~ hous-  
3 ing and recreational facilities ~~for~~ and other facilities for the  
4 United Nations, delegations and delegates to the United Nations, person-  
5 nel of delegations to the United Nations, and members of the United  
6 Nations staff; for office space, auditorium and meeting facilities for  
7 related nongovernmental organizations; for hotel accommodations for  
8 visiting heads of state and other dignitaries; for bus terminals, dining  
9 facilities, and other facilities for visiting persons and groups[?]; for  
10 parking[?]; and for housing, commercial, industrial and other facilities  
11 necessary or appropriate to carry out the purposes of this chapter,

12 (2) subject to the approval of the ~~board of estimate and the~~ commis-  
13 sion and the city council as hereinafter provided, to formulate a devel-  
14 opment plan or plans ~~including supplements, additions and amendments~~  
15 ~~thereto;~~ in accordance with the foregoing present and anticipated  
16 needs, with provision for relocation of individuals and commercial  
17 establishments outside or within the district,

18 (3) ~~to undertake or cause its subsidiary corporation or corporations~~  
19 to undertake, or otherwise to have undertaken on behalf of the corpo-  
20 ration, the execution of a development plan or of a portion thereof, and  
21 the financing, acquisition, construction, rehabilitation, improvement,  
22 operation and management of any project or portion thereof, including  
23 attendant relocation facilities, provided however, that all contracts  
24 let by the corporation ~~or by a subsidiary (rather than a sponsor or a~~  
25 ~~person, firm or corporation acting as sponsor in lieu of the corporation~~  
26 ~~or its subsidiaries)~~ for the erection, construction, or alteration of  
27 buildings shall be let in conformity with the provisions of section one  
28 hundred thirty-five of the state finance law, except that such  
29 provisions shall not be applied to restrict the corporation's pre-quali-  
30 fication of bidders for purposes of the United Nations 42nd Street  
31 consolidation project, and provided further that execution of a further  
32 development plan at 42nd Street may not proceed unless and until the  
33 approval thereof by the commission and the city council as hereinafter  
34 provided and unless and until the memorandum of understanding referred  
35 to in section two of the chapter of the laws of 2011 amending this  
36 section has been completed and signed as provided in that section.

37 ~~(4) when, in the opinion of the board of directors, it would be more~~  
38 ~~appropriate or convenient to have the execution of a particular devel-~~  
39 ~~opment plan or portion thereof undertaken by a sponsor rather than by the~~  
40 ~~corporation or one or more of its subsidiaries, to select a proposed~~  
41 ~~sponsor or sponsors financially responsible and otherwise qualified by~~  
42 ~~experience and training to undertake the execution of the development~~  
43 ~~plan and to relocate residents and businesses to be displaced thereby,~~

44 ~~(5) to advise and generally supervise such sponsor or sponsors or~~  
45 ~~successors thereto in connection with such relocation and development,~~

46 ~~(6) with the approval of the board of estimate, (a) to enter into~~  
47 ~~agreements with a qualified sponsor or sponsors for the implementation~~  
48 ~~and execution of all or a portion of a development plan, or, (b) where~~  
49 ~~such implementation and execution is to be undertaken by the corporation~~  
50 ~~or one or more of its subsidiaries, to enter into agreements for the~~  
51 ~~implementation and execution of such development plan or portion thereof~~  
52 ~~with persons, firms or corporations acting as sponsors in lieu of the~~  
53 ~~corporation or its subsidiaries, and (c) to enter into agreements amend-~~  
54 ~~ing, modifying or superseding such agreements, and~~

55 ~~(7) (4) to furnish advice, technical assistance and liaison with~~  
56 federal, state and city authorities and with users and occupants of the

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1 facilities to be created within the district with respect to educa-  
2 tional, social and cultural activities within the district, and other-  
3 wise to foster and encourage greater public knowledge of, and partic-  
4 ipation in, the activities of the United Nations and affiliated  
5 organizations, and

6 (5) to provide advice and services with respect to real estate needs  
7 and development as requested by the state or city of New York, the  
8 United States or the United Nations.

9 § 7. Subdivision a of section 7 of chapter 345 of the laws of 1968,  
10 relating to establishing a United Nations development district, is  
11 amended to read as follows:

12 a. The corporation shall prepare or cause to be prepared a develop-  
13 ment plan for the district, or, if the corporation deems it necessary or  
14 advisable that the development of the district or a portion thereof be  
15 carried out in stages, development plans for parts or portions of the  
16 district. Any development plan shall include a requirement that relo-  
17 cation benefits be provided to individuals and businesses to be  
18 displaced in the course of redevelopment which are at least equal to  
19 those for which such individuals and businesses would be eligible under  
20 federal law at the time of their relocation if the development plan were  
21 an urban renewal plan.

22 § 7-a. Section 7 of chapter 345 of the laws of 1968, relating to  
23 establishing a United Nations development district, is amended by adding  
24 two new subdivisions e and f to read as follows:

25 e. The provisions of subdivisions b, c and d of this section shall  
26 not apply to any further development plan at 42nd Street or any develop-  
27 ment plan for any new construction or any increase in the height or  
28 floor area of the previously constructed building located on land  
29 acquired as part of the additional reuse project or any amendment of any  
30 such development plan. Any such development plan or amendment shall be  
31 subject to review pursuant to section one hundred ninety-seven-c and  
32 section one hundred ninety-seven-d of the charter of the city of New  
33 York in the same manner as if such development plan or amendment were  
34 described in paragraph one of subdivision b of section one hundred nine-  
35 ty-seven-d of the charter of the city of New York. Approval of any such  
36 development plan or amendment shall include, without limitation, land  
37 use review authorization for any disposition by the city of New York of  
38 the land described in the second sentence of subdivision 1 of section  
39 16-a of this chapter and any and all land or other rights, and any  
40 demapping, discontinuing and closing by the city of New York of any and  
41 all volumes of space under any public streets, for purposes of a further  
42 development plan at 42nd Street.

43 f. No portion of a further development plan at 42nd Street is permit-  
44 ted to be effectuated in any respect, including without limitation, any  
45 acquisition by the corporation of any interest in the United Nations  
46 42nd Street consolidation area, any commencement of construction by the  
47 corporation within the United Nations 42nd Street consolidation area and  
48 any other physical activity by the corporation on, or other interference  
49 by the corporation with use of or access to, the United Nations 42nd  
50 Street consolidation area, unless and until a further development plan  
51 at 42nd Street has been reviewed as provided in subdivision e of this  
52 section and a memorandum of understanding is completed and signed as  
53 provided for in section two of the chapter of the laws of 2011 that  
54 added this subdivision.

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1 § 8. Section 9 of chapter 345 of the laws of 1968, relating to estab-  
2 lishing a United Nations development district, is amended by adding a  
3 new subdivision d to read as follows:

4 d. Notwithstanding anything to the contrary contained in any general,  
5 special or local law, including the charter and administrative code of  
6 the city of New York, the city of New York, acting by its mayor alone,  
7 or his or her designee, shall be authorized, for the effectuation of a  
8 further development plan at 42nd Street when approved pursuant to  
9 section one hundred ninety-seven-c and section one hundred ninety-sev-  
10 en-d of the charter of the city of New York in the same manner as if  
11 such development plan or amendment were described in paragraph one of  
12 subdivision b of section one hundred ninety-seven-d of the charter of  
13 the city of New York, and when otherwise permitted to be executed as  
14 provided in this chapter, to take such actions as are necessary or  
15 desirable, to demap, discontinue and close below but not above-grade  
16 volumes of space part of the public streets of the city of New York,  
17 located in the borough of Manhattan east of United Nations Plaza (First  
18 Avenue), below Forty-second Street, or below the roadway at the Franklin  
19 D. Roosevelt (East River) drive, for purposes of a tunnel as part of the  
20 United Nations 42nd Street consolidation project, and to sell, lease for  
21 a term not exceeding ninety-nine years, or otherwise dispose of to the  
22 corporation any land and other interests in real property owned by the  
23 city of New York, regardless of how acquired, and included in the United  
24 Nations 42nd Street consolidation project, including any discontinued,  
25 demapped and closed part of the public streets of the city of New York,  
26 without any payment of money therefor and without further review or  
27 approvals, other than said approval of the further development plan at  
28 42nd Street, and the completion and signature of the memorandum of  
29 understanding as provided in section two of the chapter of the laws of  
30 2011 that added this subdivision, and without public auction or sealed  
31 or competitive bids.

32 § 9. Section 13 of chapter 345 of the laws of 1968, relating to estab-  
33 lishing a United Nations development district, is amended to read as  
34 follows:

35 § 13. Exemption from taxation. It is hereby found, determined and  
36 declared that the creation of the corporation and the carrying out of  
37 its purposes is in all respects for the benefit of the people of the  
38 city and state of New York and is a public purpose, and that the corpo-  
39 ration will be performing an essential governmental function in the  
40 exercise of the powers conferred upon it by this chapter. The income and  
41 operations of the corporation shall be exempt from taxation. Obligations  
42 issued by the corporation or a subsidiary pursuant to this chapter,  
43 together with income therefrom, shall be free from taxation, except for  
44 transfer and estate taxes. ~~Any~~ The land, buildings and other improve-  
45 ments from time to time included as part of the United Nations 42nd  
46 Street consolidation project shall, unless owned by the United Nations,  
47 be subject to real property taxation in the same manner and to the same  
48 extent as real property in the city of New York used for office purposes  
49 generally, except that such land, buildings and other improvements shall  
50 be exempt from such taxation if the same are owned by the city of New  
51 York and leased to the corporation for not more than ninety-nine years  
52 and otherwise on terms satisfactory to the city of New York, acting by  
53 its mayor alone, provided that the corporation enters into an agreement  
54 requiring that it pay to the city of New York or its designee amounts  
55 from time to time in lieu of such real property taxation, and in the  
56 case of any such agreement, the city of New York or its designee shall

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1 be authorized, notwithstanding anything to the contrary contained in any  
 2 general, special or local law, including the charter and administrative  
 3 code of the city of New York, to pledge, assign or otherwise transfer,  
 4 on terms satisfactory to the city of New York, acting by its mayor  
 5 alone, the amounts payable under such agreement and the right to receive  
 6 such amounts, for the purpose of providing a source of payment of, and  
 7 as security for, the financing of the United Nations 42nd Street consol-  
 8 idation project. Except as otherwise provided above in this section, any  
 9 facilities within the district owned by the corporation[~~or by a~~  
 10 ~~subsidiary or a sponsor~~] which are found and determined by the [board  
 11 of ~~estimate~~] city council to be public facilities shall be exempt from  
 12 taxation or assessment by and from the payment of any fees to the city  
 13 of New York, and, if such finding and determination is approved by the  
 14 state tax commission, from taxation or assessment by and from the  
 15 payment of any fees to the state or any subdivision thereof or to any  
 16 officer or employee of the state or any subdivision thereof. The [board  
 17 of ~~estimate~~] city council, upon application by the corporation[~~or a~~  
 18 ~~subsidiary, or a sponsor~~] may find and determine that all or part of  
 19 the real property owned by the corporation[~~the subsidiary, or the~~  
 20 ~~sponsor~~] within the district is devoted exclusively to public facili-  
 21 ties. Such tax exemption shall continue so long as such facility is  
 22 devoted exclusively to public use. Except as hereinabove provided, and  
 23 except as may otherwise specifically be provided, nothing contained in  
 24 this chapter shall confer exemption from any tax, assessment or fee upon  
 25 any person, firm, corporation or other entity, or upon the obligations  
 26 of any of them.

27 § 10. Section 16-a of chapter 345 of the laws of 1968, relating to  
 28 establishing a United Nations development district, as added by chapter  
 29 623 of the laws of 1971, is amended to read as follows:

30 § 16-a. Development limitation. 1. The corporation, notwithstanding  
 31 any other provision of law and unless further authorized by act of the  
 32 legislature, shall not in the execution of the development plan hereto-  
 33 fore approved under section seven of this chapter undertake the  
 34 execution of any portion of such development plan on real property with-  
 35 in the district lying westerly of a line parallel to, and three hundred  
 36 twenty-five feet westerly from the westerly side of United Nations  
 37 Plaza. The corporation, notwithstanding any other provision of law and  
 38 unless further authorized by act of the legislature, shall not in the  
 39 execution of a further development plan at 42nd Street develop or  
 40 construct any building or other structure above grade on any portion of  
 41 the United Nations 42nd Street consolidation area other than the follow-  
 42 ing portion of such area: the area bounded on the west by the east side  
 43 of United Nations Plaza (First Avenue), on the south by the north side  
 44 of Forty-first Street; on the north by the south side of Forty-second  
 45 Street; and on the east by a line that begins on the north side of  
 46 Forty-first Street, is located one hundred forty-six feet seven eighths  
 47 inches east of and parallel to United Nations Plaza (First Avenue) and  
 48 runs north for a distance of one hundred ninety-seven feet six inches,  
 49 ending at the south side of Forty-second Street.

50 2. All properties in the district, lying easterly of a line parallel  
 51 to and three hundred twenty-five feet westerly from the westerly side of  
 52 United Nations Plaza, even though separated by a street, not including  
 53 the United Nations 42nd Street consolidation area, and not including any  
 54 property that is part of any reuse project, shall be deemed, notwith-  
 55 standing any other provision of law, to be one zoning lot for all  
 56 purposes, and the maximum floor area ratio of such properties, deemed to

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1 be part of one zoning lot and taken as a whole, shall not exceed  
 2 fifteen.

3 3. The corporation may undertake or cause to be undertaken the  
 4 execution of any portion of the development plan heretofore approved  
 5 under section seven of this chapter without requiring any amendment to  
 6 or modification of such development plan and without further approval  
 7 under section seven of this chapter.

8 4. No portion of any structure permitted to be developed pursuant to  
 9 a further development plan at 42nd Street, if and when effectuation of  
 10 such further development plan at 42nd Street is permitted under this  
 11 chapter, may be built to a height greater than the height of the United  
 12 Nations secretariat building. Subject to compliance with the foregoing  
 13 limitation in this subdivision, nine hundred thousand square feet of  
 14 floor area as defined in any applicable zoning resolution shall be  
 15 deemed attributable under such zoning resolution to the land that is a  
 16 portion of the United Nations 42nd Street consolidation area and is  
 17 described in the second sentence of subdivision one of this section, and  
 18 a maximum of nine hundred thousand square feet of such floor area shall  
 19 be permitted to be incorporated in such structure as part of a further  
 20 development plan at 42nd Street.

21 § 11. This act shall take effect immediately, and if and when the  
 22 memorandum of understanding is completed and signed as provided in  
 23 section two of this act, the provisions thereof shall, to the extent  
 24 stated therein, have the same effect as if they were included in this  
 25 act; provided, that the mayor of the city of New York shall notify the  
 26 legislative bill drafting commission upon the completion and signing of  
 27 the memorandum of understanding as provided in section two of this act  
 28 in order that the commission may maintain an accurate and timely effec-  
 29 tive data base of the official text of the laws of the state of New York  
 30 in furtherance of effectuating the provisions of section 44 of the  
 31 legislative law and section 70-b of the public officers law. Notwith-  
 32 standing the foregoing, the provisions of this act shall expire and be  
 33 deemed repealed if on or before October 10, 2011, the memorandum of  
 34 understanding has not been completed and signed as provided in section  
 35 two of this act.

(The following is the text of the State Sponsor's Memorandum in Support:)

NEW YORK STATE SENATE  
 INTRODUCER'S MEMORANDUM IN SUPPORT  
 submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S5706A

REVISED 06/17/11

SPONSOR: RULES

## TITLE OF BILL:

An act to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

## PURPOSE:

To authorize the city of New York (the "City") to alienate a portion of the parkland on part of the block between East 41st and East 42nd Streets on the east side of First Avenue in Manhattan for use by the United Nations, in accordance with and subject to a memorandum of understanding (the "MOU") to be signed by October 10, 2011, with the authorization to expire and this act to be deemed repealed if, by that date, the MOU is not completed and signed.

## SUMMARY OF PROVISIONS:

Section 1 authorizes the City to discontinue the use as parkland of the western portion (an area of 0.6623 acres) of the Robert Moses Playground (the "Western RMP Portion") located between Forty-first and Forty-second Streets on the east side of First Avenue in Manhattan, as described in the act, and to use the same or sell, lease or otherwise transfer the same to the United Nations Development Corporation (the "UNDC") for purposes consistent with the UNDC's enabling legislation, as amended, including as amended by this act. The authorization for alienation of the Western RMP Portion will take effect only if the conditions set forth in Section 2 of this act are satisfied.

Section 2 provides that the authorization granted in Section 1 of this act for the alienation of the Western RMP Portion will take effect only if the MOU is completed and signed as provided in the act and the City satisfies obligations to be described in the MOU that are required under the MOU to be satisfied prior to such alienation. Any obligations of the City set forth in the MOU and required to be satisfied after such alienation, shall, to the extent stated in the MOU, survive such alienation and be enforceable against the City with the same effect as if included in the act. Persons described in the MOU as having standing to pursue equitable remedies against the City to enforce the City's obligations as described in the MOU shall have standing to pursue those equitable remedies. The preceding will not limit any other remedies that may be available as provided in the MOU.

The act provides for the MOU to be signed by the Mayor of the City, the Temporary President of the New York State Senate and the Speaker of the New York State Assembly, after consultation with the members of the Senate, the Assembly, and the City Council whose districts include the area in which the Robert Moses Playground is located. The MOU would, among other matters: (i) identify the extent of, the sources for, and the procedures applicable to funding for parkland and other recreational space in Manhattan to replace the Western RMP Portion; (ii) provide for the City to designate and map other parkland in Manhattan that would, together with parkland that the City designates and maps pursuant to Section 3 of the act, have a value in the aggregate at least equal to the value of the Western RMP Portion; (iii) provide for the City to take possession of and rehabilitate the ConEd Waterside Pier between Thirty-eighth and Forty-first Streets on the east side of Manhattan, and provide for the prior user of that area to make a payment to the City for such rehabilitation; and (iv) provide for a portion of amounts available to the City in the future in the event of an ownership transfer, by sale or otherwise, or a refinancing involving the existing buildings at One and Two United Nations Plaza (First Avenue) in Manhattan, to be directed toward the costs of a continuous walkway and bike path along the East River or the costs of other parkland.

Section 3 authorizes the City, acting by the Mayor alone, to take such administrative and other actions, all of which are deemed ministerial, to demap, discontinue and close the part of the public streets of the City known as Asser Levy Place (an area of approximately 0.6267 acres) in Manhattan, and to designate and map such area as parkland, provided that the MOU is completed and signed as provided in the act and the City satisfies obligations described in the MOU that are required under the MOU to be satisfied prior to the provisions of Section 3 being effective.

Sections 4 through 10 amend the UNDC's 1968 enabling legislation, except that the amendments have no effect unless and until the MOU is completed and signed as provided in the act and certain other conditions as specified in the act are satisfied.

Sections 4 and 4-a amend the UNDC's enabling legislation to define the "United Nations 42nd Street Consolidation Project," referred to in this Summary of Provisions as the "Consolidation Project." The definition of a development plan in the UNDC's enabling legislation is updated to include the Consolidation Project, and to define an "additional reuse project" consisting of the possible future acquisition and renovation by the UNDC of the "UNIT AR" building, located at 45th Street and United Nations Plaza and currently owned and occupied by the United Nations (the "UN"). As part of the Consolidation Project, the UNDC is authorized to cooperate with and assist the City in the planning for, and paying the costs of, parkland replacement for the Western RMP Portion.

Section 5 amends the UNDC's enabling legislation to establish and add a definition of the "United Nations 42nd Street consolidation area." This area includes the Western RMP Portion, which is uniquely suited for use by the UN and which would be the site for the building permitted to be constructed as part of the Consolidation Project, referred to in this Summary of Provisions as the "Consolidation Building." The Western RMP Portion does not include the dog run or the basketball and handball courts located at the eastern portion of the Robert Moses Playground. The Consolidation Building could not exceed the height of the existing UN Secretariat Building and could not include more than 900,000 square feet of floor area.

Section 6 amends the UNDC's enabling legislation to update certain provisions describing the UNDC's powers (such as replacing an obsolete reference to the New York City Board of Estimate with a reference to the City Council), without increasing or diminishing those powers, except to provide that requirements under the New York State Finance Law for public bidding are not to be applied to restrict the UNDC's pre-qualification of bidders for purposes of the Consolidation Project. The UNDC would not be permitted to carry out the development plan for the Consolidation Project unless and until the MOU is completed and signed and the development plan is approved by the City Planning Commission and the City Council pursuant to the City's Uniform Land Use Review Procedure ("ULURP") under the City Charter.

Section 7-a amends the UNDC's enabling legislation to provide for review pursuant to ULURP of the development plan for the Consolidation Project and possibly for the additional reuse project. Approval of the development plan for the Consolidation Project would include, without limitation, land use review authorization for any disposition by the City of any and all land or other rights, including the Western RMP Portion, for purposes of such development plan and land use review authorization for any demapping, discontinuing and closing by the City of any and all volumes of space and any other portions of any public streets for such purposes. The UNDC would not be permitted to carry out the development plan for the Consolidation Building unless and until the MOU is completed and signed and the development plan is approved pursuant to ULURP.

Section 8 amends the UNDC's enabling legislation to authorize the City, acting by the Mayor alone, but subject to approval of the development plan for the Consolidation Project pursuant to ULURP as referred to above and completion and signature of the MOU as provided in the act, to sell, lease for a term not exceeding 99 years, or otherwise transfer land or other real property included within the United Nations 42nd Street consolidation project to the UNDC for purposes of carrying out such development plan.

Section 9 amends the UNDC's enabling legislation to provide that the land, buildings, and other improvements included as part of the Consolidation Project will be subject to real property taxation, unless owned by the City and leased to the UNDC for not more than 99 years, with an agreement by the UNDC to pay the City or its designee amounts in lieu of real estate taxes? which payments the City or its designee will be authorized to pledge, on terms satisfactory to the City, acting by the Mayor alone, as security for the financing of the Consolidation Project.

Section 10 amends the UNDC's enabling legislation to confirm that the area within the United Nations 42nd Street consolidation area on which UNDC may construct the Consolidation Building is limited to the Western RMP Portion, and also limits the height of the Consolidation Building to no greater than the height of the UN Secretariat Building and the floor area of the Consolidation Building to a maximum of 900,000 square feet.

Section 11 provides that the provisions of the MOU shall, to the extent stated therein, have the same effect as if they were included in the act, and that the provisions of this act will expire and be deemed repealed on October 10, 2011, if by that date, the MOU is not completed and signed as provided in the act.

This legislation provides authorization for the City, subject to the MOU required in the legislation and described above, in consultation with the legislative representatives of the affected community on the east side of Manhattan, and also subject in key respects to the City's existing land use review process, to take major steps toward addressing several important needs.

The United Nations requires an additional building adjacent to its existing campus in order to increase the security of its workers and visitors, and to consolidate its offices, which are currently spread among various buildings owned by the city or by private landlords. The continued presence of the United Nations in New York is of local, state-wide, national, and international importance. Essential public purposes are served and significant economic activity and tax revenues are generated for the City and the State of New York, by providing for the facilities, space, and security needs of the United Nations permanent headquarters, which serves as a gathering place for the world community and the 192 United Nations member states.

If the MOU provided for in the legislation and described above is signed by October 10, 2011 this legislation would alienate a portion of the public parkland located on part of a city block immediately south of the United Nations, and authorize the land to be transferred to the UNDC, and provide the authorizations necessary for the UNDC and the City to facilitate the construction of the new building needed by the United Nations.

In addition to benefitting the United Nations, generating substantial economic activity, and ensuring that revenue from the presence of the United Nations continues to flow to the City and State, this legislation creates the opportunity to provide resources necessary to fund and build greater public recreational access to the East River waterfront—a major step toward completing the greenway around Manhattan—and increase the limited open space in the area.

**LEGISLATIVE HISTORY:**  
This is a new bill.

**FISCAL IMPACT:**  
To be determined.

**EFFECTIVE DATE:**

This act shall take effect immediately, and if and when the memorandum of understanding is completed and signed as provided in section two of this act, the provisions thereof shall, to the extent stated therein, have the same effect as if they were included in this act; provided, that the mayor of the city of New York shall notify the legislative bill drafting commission upon the completion and signing of the memorandum of understanding as provided in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Notwithstanding the foregoing, the provisions of this act shall expire and be deemed repealed if on or before October 10, 2011, the memorandum of understanding has not been

completed and signed as provided in section two of this act.

(The following is the text from the Bluebacks submitted and signed by the Mayor:)

**HOME RULE REQUEST**

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. 8305-A), entitled:

**“AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof”.**

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

The local government does not have the power to enact such legislation by local law.

Other facts, as set forth in the following "Explanation" establish such necessity.

**EXPLANATION**

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

**READ BEFORE SIGNING**

A. If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

B.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

**CHIEF EXECUTIVE OFFICER'S SIGNATURE**

(Signed)

\_\_\_\_\_  
(Chief Executive Officer)

**MICHAEL R. BLOOMBERG**

\_\_\_\_\_  
(Print or Type Name Below  
Signature)

\_\_\_\_\_  
Mayor

Date: June 14, 2011

\_\_\_\_\_  
(Title of Chief Executive Officer)

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) \_\_\_\_\_ Clerk

[SEAL OF LOCAL GOVERNMENT]

MICHAEL McSWEENEY (Print or Type Name Below Signature)

Date: June 14, 2011

(The following is the text of the State Assembly bill:)

STATE OF NEW YORK

8305--A

2011-2012 Regular Sessions

IN ASSEMBLY

June 10, 2011

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any provision of law to the contrary, the
2 city of New York is hereby authorized to discontinue the use as parkland
3 of the land described as follows, and to use such land or sell, lease or
4 otherwise transfer such land and interests therein to the United Nations
5 development corporation for such purposes as are consistent with the
6 provisions of chapter 345 of the laws of 1968, as amended:
7 An area in the borough of Manhattan, city of New York, bounded on the
8 west by the east side of United Nations Plaza (First Avenue); on the
9 south by the north side of Forty-first Street; on the north by the south
10 side of Forty-second Street; and on the east by a line that begins on
11 the north side of Forty-first Street, is located one hundred forty-six
12 feet seven eighths inches east of and parallel to United Nations Plaza
13 (First Avenue) and runs north for a distance of one hundred ninety-seven
14 feet six inches, ending at the south side of Forty-second Street, such
15 area being sixty-six hundredths and twenty-three ten thousandths of an
16 acre (.6623 acres).
17 § 2. The authorization contained in section one of this act shall take
18 effect only (a) upon the condition that a memorandum of understanding is

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 completed and signed by the mayor of the city of New York, the temporary
2 president of the senate, and the speaker of the assembly, after consul-
3 tation with the members of the senate, the assembly and the city council
4 of the city of New York representing the area in which the parkland
5 described in section one of this act is located, which memorandum of
6 understanding shall, among other matters: (i) identify the extent of,
7 the sources for and the procedures applicable to funding for parkland
8 and other recreational space in the borough of Manhattan to replace the
9 parkland described in section one of this act; (ii) provide for the city
10 of New York to designate and map parkland in the borough of Manhattan
11 that will, in conjunction with parkland that the city of New York so
12 designates and maps pursuant to section three of this act, have a fair
13 market value in the aggregate of no less than the fair market value of
14 the parkland described in section one of this act; (iii) provide for the
15 city of New York to take possession of the area within the borough of
16 Manhattan, city of New York, known as the ConEd Waterside Pier between
17 Thirty-eighth and Forty-first Streets, for the prior user of said area
18 to make a payment for the structural rehabilitation of said area and for
19 the city of New York to commence said rehabilitation after such payment
20 is made; and (iv) provide for a portion of amounts available to the city
21 of New York in the future in the event of an ownership transfer by sale
22 or otherwise or a refinancing involving the existing buildings at One
23 and Two United Nations Plaza (First Avenue) in the borough of Manhattan,
24 city of New York, to be dedicated toward the costs of a continuous walk-
25 way and bike path along the East River or the costs of other parkland in
26 the borough of Manhattan; and (b) upon the further condition that the
27 city of New York satisfies the obligations as described in such memoran-
28 dum of understanding as being required to be satisfied prior to the
29 alienation of the parkland described in section one of this act. The
30 authorization contained in section one of this act shall be negated if
31 the city of New York fails to satisfy such obligations described in such
32 memorandum of understanding as being required to be satisfied prior to
33 alienation of the parkland described in section one of this act. Any
34 obligations of the city of New York set forth in such memorandum of
35 understanding and not described therein as being required to be satis-
36 fied prior to the alienation of the parkland described in section one of
37 this act, shall, to the extent stated in such memorandum of understand-
38 ing, survive such alienation and be enforceable against the city of New
39 York with the same effect as if included in this act. Persons described
40 in such memorandum of understanding as having standing to pursue equita-
41 ble remedies against the city of New York to enforce any obligation that
42 the city of New York may be required to satisfy as described in such
43 memorandum of understanding shall have standing to pursue such equitable
44 remedies. The preceding two sentences shall not limit any other remedies
45 that may be available as provided in such memorandum of understanding.
46 § 3. Notwithstanding anything to the contrary contained in any gener-
47 al, special or local law, including the New York city charter and admin-
48 istrative code of the city of New York, and provided that the memorandum
49 of understanding is completed and signed as provided in section two of
50 this act, and provided further that the city of New York has satisfied
51 the obligations as described in such memorandum of understanding as
52 being required to be satisfied prior to the provisions of this section
53 three being effective, the city of New York, acting by its mayor alone,
54 or his or her designee, is hereby authorized and empowered to take such
55 administrative and other actions as are necessary or desirable, all of
56 which shall be deemed ministerial, to demap, discontinue and close as

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1 part of public streets of the city of New York, located in the borough
2 of Manhattan, the following area of approximately sixty-two hundredths
3 and sixty-seven ten thousandths of an acre (.6267 acres), located in the
4 borough of Manhattan, city of New York, for purposes of designating and
5 mapping such area as parkland, such administrative and other actions
6 being also authorized for such designation and mapping as parkland:
7 Beginning at the northwest corner of the intersection of East Twenty-
8 third Street and Asser Levy Place, as those streets were heretofore laid
9 out on the map of the city of New York, thence running approximately
10 sixty feet in an easterly direction along the southerly line of Asser
11 Levy Place to a point, thence running approximately four hundred fifty-
12 five feet in a northerly direction, said course forming a deflection
13 angle to the left with the previous course of ninety degrees, no minutes
14 and no seconds, thence running approximately sixty feet in a westerly
15 direction, said course forming a deflection angle to the left with the
16 previous course of ninety degrees, no minutes and no seconds, thence
17 running approximately four hundred fifty-five feet in a southerly direc-
18 tion, said course forming a deflection angle to the left of ninety
19 degrees, no minutes and no seconds to the place or point of beginning.
20 § 4. Section 1 of chapter 345 of the laws of 1968, relating to estab-
21 lishing a United Nations development district, is amended by adding five
22 new subdivisions 10-a, 13, 13-b, 14 and 15 to read as follows:
23 10-a. "Further development plan at 42nd Street." A development plan
24 for the United Nations 42nd Street consolidation area, including
25 improvements within said area and any improvements incidental thereto
26 outside said area.
27 13. "Reuse project." The initial reuse project and the additional
28 reuse project described in subdivisions thirteen-a and thirteen-b,
29 respectively, of section one of this chapter.
30 13-b. "Additional reuse project." The acquisition of land, easement
31 and other rights within or appurtenant to the area in the borough of
32 Manhattan, city of New York, described in this subdivision, and the
33 maintenance, repair, operation, alteration and renovation, from time to
34 time, of improvements located on such land, exclusively for use by the
35 United Nations, including its organs, subsidiary bodies and specialized
36 and other agencies and members of the public visiting United Nations
37 headquarters in the city of New York. The area referred to above is
38 bounded and described as follows: Beginning at the northwest corner of
39 Forty-fifth Street and United Nations Plaza (First Avenue), running
40 thence westerly along Forty-fifth Street a distance of one hundred feet,
41 running thence northerly, parallel to United Nations Plaza (First
42 Avenue), a distance of eighty feet five inches, running thence easterly,
43 parallel to Forty-fifth Street, a distance of twenty feet, running
44 thence southerly, parallel to United Nations Plaza (First Avenue), a
45 distance of forty feet, running thence easterly, parallel to Forty-fifth
46 Street, a distance of eighty feet, and running thence southerly along
47 United Nations Plaza (First Avenue) a distance of forty feet five inches
48 to the place or point of beginning. Provided that the memorandum of
49 understanding is completed and signed as provided in section two of the
50 chapter of the laws of 2011 that added this subdivision and provided
51 further that the city of New York shall have satisfied the obligations
52 as described in such memorandum of understanding as being required to be
53 satisfied prior to the corporation undertaking the additional reuse
54 project, the additional reuse project and the site thereof shall for all
55 purposes be deemed to be located within the district and be deemed also
56 to be a project as defined in this chapter and shall, except for any new

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1 construction or any increase in the height or floor area of any previ-  
2 ously constructed building, be deemed for all purposes to be part of and  
3 to conform to a development plan for a portion of the district, which  
4 has been formulated, reviewed and approved in accordance with section  
5 seven of this chapter.

6 14. "United Nations 42nd Street Consolidation Project." The acquisi-  
7 tion by lease or otherwise from the city of New York and other parties,  
8 if any, of land, easement and other rights within the United Nations  
9 42nd Street consolidation area, and associated property interests  
10 related thereto, and from time to time thereafter, the construction,  
11 alteration, renovation and rebuilding, and the ownership or operation,  
12 including repair and maintenance, of office space and related facili-  
13 ties, a tunnel (to provide secure passage from and to United Nations  
14 permanent headquarters), and space and facilities related to the forego-  
15 ing, exclusively for use by the United Nations, including its organs,  
16 subsidiary bodies and specialized and other agencies; the construction  
17 within, and improvement, alteration, use and operation of, below but not  
18 above-grade volumes of space, after the same are demapped, discontinued  
19 and closed as part of public streets of the city of New York, located in  
20 the borough of Manhattan east of United Nations Plaza (First Avenue)  
21 below Forty-second Street or below the roadway of the Franklin D.  
22 Roosevelt (East River) drive, for purposes of such tunnel; the creation,  
23 improvement, alteration and renovation of space, facilities and improve-  
24 ments within or outside the United Nations 42nd Street consolidation  
25 area to the extent incidental to such office space and tunnel; and the  
26 corporation's cooperation with and assistance to the city of New York  
27 concerning planning for, and the corporation's payment of costs of,  
28 parkland replacement to compensate for discontinuing the use as parkland  
29 of a portion of Robert Moses Playground in the borough of Manhattan for  
30 purposes of the United Nations 42nd Street consolidation project.  
31 Provided that the memorandum of understanding is completed and signed as  
32 provided in section two of the chapter of the laws of 2011 that added  
33 this subdivision, the land, buildings and other improvements included in  
34 or otherwise part of the United Nations 42nd Street consolidation  
35 project shall for all purposes be deemed to be located within the  
36 district and be deemed also to be part of a project as defined in this  
37 chapter.

38 15. "City council." The city council of the city of New York.  
39 § 4-a. Subdivisions 10 and 13-a of section 1 of chapter 345 of the  
40 laws of 1968, relating to establishing a United Nations development  
41 district, subdivision 13-a as added by chapter 34 of the laws of 1993,  
42 are amended to read as follows:

43 10. "Development plan." A plan or plans, including a further develop-  
44 ment plan at 42nd Street, and including any supplements, additions or  
45 amendments to such plan or plans, for the development of all or part of  
46 the district which shall include but shall not be limited to: A state-  
47 ment of proposed land uses; proposed land acquisition, demolition and  
48 removal of structures; proposed acquisition of air rights and concomi-  
49 tant easements or other rights of user necessary for the use and devel-  
50 opment of such air rights; proposed public, semi-public, private or  
51 community facilities or utilities, with a site plan and drawings there-  
52 for; a statement as to the relationship between the development plan and  
53 a comprehensive plan for the development of the municipality as a whole;  
54 a statement as to proposed new codes and ordinances and amendments to  
55 existing codes and ordinances as are required or necessary to effectuate  
56 the plan or plans; a proposed time schedule for the effectuation of such

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1 plan or plans, and such additional statements or documentation as the  
2 corporation may deem appropriate.

3 13-a. [Reuse] "Initial reuse project." The acquisition and alteration,  
4 renovation or rebuilding, from time to time, without any increase in the  
5 height of any previously constructed building and without any  
6 construction on any vacant land, of real property consisting of any  
7 previously constructed commercial building or buildings, or any portion  
8 thereof, and the land and associated property interests related thereto,  
9 primarily for use by the United Nations, including its organs, subsidi-  
10 ary bodies and specialized and other agencies, provided that: any such  
11 acquisition shall occur before December 31, 1998; such building or  
12 buildings shall be located at 633 Third Avenue, 685 Third Avenue or 845  
13 United Nations Plaza in the borough of Manhattan, city of New York; not  
14 more than eight hundred thousand square feet of floor area shall be  
15 acquired if such floor area is located in more than one of such build-  
16 ings; and the corporation shall not transfer any unused development  
17 rights from any of such buildings or add to any of such buildings any  
18 unused development rights from any other property. The reuse project  
19 shall for all purposes be deemed to be located within the district and  
20 be deemed also to be a project and to be part of and to conform to a  
21 development plan for a portion of the district, which has been formul-  
22 ated, reviewed and approved in accordance with section seven of this  
23 chapter.

24 § 5. Chapter 345 of the laws of 1968, relating to establishing a  
25 United Nations development district, is amended by adding a new section  
26 3-a to read as follows:

27 § 3-a. Establishment of United Nations 42nd Street consolidation  
28 area. The following area lying south of the permanent headquarters of  
29 the United Nations, in the borough of Manhattan, city of New York, and  
30 bounded and described as follows, is hereby designated as the "United  
31 Nations 42nd Street consolidation area": Beginning at the northeast  
32 corner of United Nations Plaza (First Avenue) and Forty-first Street,  
33 running easterly along the northerly side of Forty-first Street a  
34 distance of three hundred five feet seven eighths inches, running thence  
35 northerly, parallel to United Nations Plaza (First Avenue), a distance  
36 of one hundred sixty-eight feet, running thence westerly, parallel to  
37 Forty-first Street, a distance of one hundred fifty-nine feet, running  
38 thence northerly, parallel to United Nations Plaza (First Avenue), a  
39 distance of twenty-nine feet six inches, running thence westerly, along  
40 the southerly side of Forty-second Street, a distance of one hundred  
41 forty-six feet seven eighths inches, and running thence southerly, along  
42 the easterly side of United Nations Plaza (First Avenue), a distance of  
43 one hundred ninety-seven feet six inches, to the point or place of  
44 beginning. Provided that the memorandum of understanding is completed  
45 and signed as provided in section two of the chapter of the laws of 2011  
46 that added this section, the land included in the United Nations 42nd  
47 Street consolidation area shall for all purposes be deemed to be located  
48 within the district.

49 § 6. Section 6 of chapter 345 of the laws of 1968, relating to estab-  
50 lishing a United Nations development district, subdivision 3 as amended  
51 by chapter 623 of the laws of 1971, is amended to read as follows:

52 § 6. Powers and duties of corporation. The powers and duties of the  
53 corporation shall be:

54 (1) to undertake surveys of the present and anticipated need; for  
55 [locations for missions] office space, meeting facilities, [and] hous-  
56 ing and recreational facilities [for] and other facilities for the

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1 United Nations, delegations and delegates to the United Nations, person-  
2 nel of delegations to the United Nations, and members of the United  
3 Nations staff; for office space, auditorium and meeting facilities for  
4 related nongovernmental organizations; for hotel accommodations for  
5 visiting heads of state and other dignitaries; for bus terminals, dining  
6 facilities, and other facilities for visiting persons and groups[7]; for  
7 parking[7]; and for housing, commercial, industrial and other facilities  
8 necessary or appropriate to carry out the purposes of this chapter,

9 (2) subject to the approval of the [board of estimate and the] commis-  
10 sion and the city council as hereinafter provided, to formulate a devel-  
11 opment plan or plans [including supplements, additions and amendments  
12 thereto]; in accordance with the foregoing present and anticipated  
13 needs, with provision for relocation of individuals and commercial  
14 establishments outside or within the district,

15 (3) [to undertake or cause its subsidiary corporation or corporations]  
16 to undertake, or otherwise to have undertaken on behalf of the corpo-  
17 ration, the execution of a development plan or of a portion thereof, and  
18 the financing, acquisition, construction, rehabilitation, improvement,  
19 operation and management of any project or portion thereof, including  
20 attendant relocation facilities, provided however, that all contracts  
21 let by the corporation [or by a subsidiary (rather than a sponsor or a  
22 person, firm or corporation acting as sponsor in lieu of the corporation  
23 or its subsidiaries)] for the erection, construction, or alteration of  
24 buildings shall be let in conformity with the provisions of section one  
25 hundred thirty-five of the state finance law, except that such  
26 provisions shall not be applied to restrict the corporation's pre-quali-  
27 fication of bidders for purposes of the United Nations 42nd Street  
28 consolidation project, and provided further that execution of a further  
29 development plan at 42nd Street may not proceed unless and until the  
30 approval thereof by the commission and the city council as hereinafter  
31 provided and unless and until the memorandum of understanding referred  
32 to in section two of the chapter of the laws of 2011 amending this  
33 section has been completed and signed as provided in that section.

34 [(4) when, in the opinion of the board of directors, it would be more  
35 appropriate or convenient to have the execution of a particular develop-  
36 ment plan or portion thereof undertaken by a sponsor rather than by the  
37 corporation or one or more of its subsidiaries, to select a proposed  
38 sponsor or sponsors financially responsible and otherwise qualified by  
39 experience and training to undertake the execution of the development  
40 plan and to relocate residents and businesses to be displaced thereby,

41 (5) to advise and generally supervise such sponsor or sponsors or  
42 successors thereto in connection with such relocation and development,

43 (6) with the approval of the board of estimate, (a) to enter into  
44 agreements with a qualified sponsor or sponsors for the implementation  
45 and execution of all or a portion of a development plan, or, (b) where  
46 such implementation and execution is to be undertaken by the corporation  
47 or one or more of its subsidiaries, to enter into agreements for the  
48 implementation and execution of such development plan or portion thereof  
49 with persons, firms or corporations acting as sponsors in lieu of the  
50 corporation or its subsidiaries, and (c) to enter into agreements amend-  
51 ing, modifying or superseding such agreements, and

52 (7) (4) to furnish advice, technical assistance and liaison with  
53 federal, state and city authorities and with users and occupants of the  
54 facilities to be created within the district with respect to educa-  
55 tional, social and cultural activities within the district, and other-  
56 wise to foster and encourage greater public knowledge of, and partic-

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1 ipation in, the activities of the United Nations and affiliated  
2 organizations, and

3 (5) to provide advice and services with respect to real estate needs  
4 and development as requested by the state or city of New York, the  
5 United States or the United Nations.

6 § 7. Subdivision 7 of section 7 of chapter 345 of the laws of 1968,  
7 relating to establishing a United Nations development district, is  
8 amended to read as follows:

9 a. The corporation shall prepare or cause to be prepared a development  
10 plan for the district, or, if the corporation deems it necessary or  
11 advisable that the development of the district or a portion thereof be  
12 carried out in stages, development plans for parts or portions of the  
13 district. Any development plan shall include a requirement that relo-  
14 cation benefits be provided to individuals and businesses to be  
15 displaced in the course of redevelopment which are at least equal to  
16 those for which such individuals and businesses would be eligible under  
17 federal law at the time of their relocation if the development plan were  
18 an urban renewal plan.

19 § 7-a. Section 7 of chapter 345 of the laws of 1968, relating to  
20 establishing a United Nations development district, is amended by adding  
21 two new subdivisions e and f to read as follows:

22 e. The provisions of subdivisions b, c and d of this section shall  
23 not apply to any further development plan at 42nd Street or any develop-  
24 ment plan for any new construction or any increase in the height or  
25 floor area of the previously constructed building located on land  
26 acquired as part of the additional reuse project or any amendment of any  
27 such development plan. Any such development plan or amendment shall be  
28 subject to review pursuant to section one hundred ninety-seven-c and  
29 section one hundred ninety-seven-d of the charter of the city of New  
30 York in the same manner as if such development plan or amendment were  
31 described in paragraph one of subdivision b of section one hundred nine-  
32 ty-seven-d of the charter of the city of New York. Approval of any such  
33 development plan or amendment shall include, without limitation, land  
34 use review authorization for any disposition by the city of New York of  
35 the land described in the second sentence of subdivision 1 of section  
36 16-a of this chapter and any and all land or other rights, and any  
37 demapping, discontinuing and closing by the city of New York of any and  
38 all volumes of space under any public streets, for purposes of a further  
39 development plan at 42nd Street.

40 f. No portion of a further development plan at 42nd Street is permit-  
41 ted to be effectuated in any respect, including without limitation, any  
42 acquisition by the corporation of any interest in the United Nations  
43 42nd Street consolidation area, any commencement of construction by the  
44 corporation within the United Nations 42nd Street consolidation area and  
45 any other physical activity by the corporation on, or other interference  
46 by the corporation with use of or access to, the United Nations 42nd  
47 Street consolidation area, unless and until a further development plan  
48 at 42nd Street has been reviewed as provided in subdivision e of this  
49 section and a memorandum of understanding is completed and signed as  
50 provided for in section two of the chapter of the laws of 2011 that  
51 added this subdivision.

52 § 8. Section 9 of chapter 345 of the laws of 1968, relating to estab-  
53 lishing a United Nations development district, is amended by adding a  
54 new subdivision d to read as follows:

55 d. Notwithstanding anything to the contrary contained in any general,  
56 special or local law, including the charter and administrative code of



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1 the city of New York, the city of New York, acting by its mayor alone,  
 2 or his or her designee, shall be authorized, for the effectuation of a  
 3 further development plan at 42nd Street when approved pursuant to  
 4 section one hundred ninety-seven-c and section one hundred ninety-sev-  
 5 en-d of the charter of the city of New York in the same manner as if  
 6 such development plan or amendment were described in paragraph one of  
 7 subdivision b of section one hundred ninety-seven-d of the charter of  
 8 the city of New York, and when otherwise permitted to be executed as  
 9 provided in this chapter, to take such actions as are necessary or  
 10 desirable, to demap, discontinue and close below but not above-grade  
 11 volumes of space part of the public streets of the city of New York,  
 12 located in the borough of Manhattan east of United Nations Plaza (First  
 13 Avenue), below Forty-second Street, or below the roadway at the Franklin  
 14 D. Roosevelt (East River) drive, for purposes of a tunnel as part of the  
 15 United Nations 42nd Street consolidation project, and to sell, lease for  
 16 a term not exceeding ninety-nine years, or otherwise dispose of to the  
 17 corporation any land and other interests in real property owned by the  
 18 city of New York, regardless of how acquired, and included in the United  
 19 Nations 42nd Street consolidation project, including any discontinued,  
 20 demapped and closed part of the public streets of the city of New York,  
 21 without any payment of money therefor and without further review or  
 22 approvals, other than said approval of the further development plan at  
 23 42nd Street, and the completion and signature of the memorandum of  
 24 understanding as provided in section two of the chapter of the laws of  
 25 2011 that added this subdivision, and without public auction or sealed  
 26 or competitive bids.

27 § 9. Section 13 of chapter 345 of the laws of 1968, relating to estab-  
 28 lishing a United Nations development district, is amended to read as  
 29 follows:

30 § 13. Exemption from taxation. It is hereby found, determined and  
 31 declared that the creation of the corporation and the carrying out of  
 32 its purposes is in all respects for the benefit of the people of the  
 33 city and state of New York and is a public purpose, and that the corpo-  
 34 ration will be performing an essential governmental function in the  
 35 exercise of the powers conferred upon it by this chapter. The income and  
 36 operations of the corporation shall be exempt from taxation. Obligations  
 37 issued by the corporation or a subsidiary pursuant to this chapter,  
 38 together with income therefrom, shall be free from taxation, except for  
 39 transfer and estate taxes. ~~[Any]~~ The land, buildings and other improve-  
 40 ments from time to time included as part of the United Nations 42nd  
 41 Street consolidation project shall, unless owned by the United Nations,  
 42 be subject to real property taxation in the same manner and to the same  
 43 extent as real property in the city of New York used for office purposes  
 44 generally, except that such land, buildings and other improvements shall  
 45 be exempt from such taxation if the same are owned by the city of New  
 46 York and leased to the corporation for not more than ninety-nine years  
 47 and otherwise on terms satisfactory to the city of New York, acting by  
 48 its mayor alone, provided that the corporation enters into an agreement  
 49 requiring that it pay to the city of New York or its designee amounts  
 50 from time to time in lieu of such real property taxation, and in the  
 51 case of any such agreement, the city of New York or its designee shall  
 52 be authorized, notwithstanding anything to the contrary contained in any  
 53 general, special or local law, including the charter and administrative  
 54 code of the city of New York, to pledge, assign or otherwise transfer,  
 55 on terms satisfactory to the city of New York, acting by its mayor  
 56 alone, the amounts payable under such agreement and the right to receive

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1 such amounts, for the purpose of providing a source of payment of, and  
 2 as security for, the financing of the United Nations 42nd Street consol-  
 3 idation project. Except as otherwise provided above in this section, any  
 4 facilities within the district owned by the corporation ~~(or by a~~  
 5 subsidiary or a sponsor), which are found and determined by the ~~[board~~  
 6 ~~of estimate] city council~~ to be public facilities shall be exempt from  
 7 taxation or assessment by and from the payment of any fees to the city  
 8 of New York, and, if such finding and determination is approved by the  
 9 state tax commission, from taxation or assessment by and from the  
 10 payment of any fees to the state or any subdivision thereof or to any  
 11 officer or employee of the state or any subdivision thereof. The ~~[board~~  
 12 ~~of estimate] city council,~~ upon application by the corporation ~~(or a~~  
 13 ~~subsidiary, or a sponsor),~~ may find and determine that all or part of  
 14 the real property owned by the corporation ~~(or the subsidiary, or the~~  
 15 ~~sponsor)~~ within the district is devoted exclusively to public facili-  
 16 ties. Such tax exemption shall continue so long as such facility is  
 17 devoted exclusively to public use. Except as hereinabove provided, and  
 18 except as may otherwise specifically be provided, nothing contained in  
 19 this chapter shall confer exemption from any tax, assessment or fee upon  
 20 any person, firm, corporation or other entity, or upon the obligations  
 21 of any of them.

22 § 10. Section 16-a of chapter 345 of the laws of 1968, relating to  
 23 establishing a United Nations development district, as added by chapter  
 24 623 of the laws of 1971, is amended to read as follows:

25 § 16-a. Development limitation. 1. The corporation, notwithstanding  
 26 any other provision of law and unless further authorized by act of the  
 27 legislature, shall not in the execution of the development plan hereto-  
 28 fore approved under section seven of this chapter undertake the  
 29 execution of any portion of such development plan on real property with-  
 30 in the district lying westerly of a line parallel to, and three hundred  
 31 twenty-five feet westerly from the westerly side of United Nations  
 32 Plaza. The corporation, notwithstanding any other provision of law and  
 33 unless further authorized by act of the legislature, shall not in the  
 34 execution of a further development plan at 42nd Street develop or  
 35 construct any building or other structure above grade on any portion of  
 36 the United Nations 42nd Street consolidation area other than the follow-  
 37 ing portion of such area: the area bounded on the west by the east side  
 38 of United Nations Plaza (First Avenue), on the south by the north side  
 39 of Forty-first Street; on the north by the south side of Forty-second  
 40 Street; and on the east by a line that begins on the north side of  
 41 Forty-first Street, is located one hundred forty-six feet seven eighths  
 42 inches east of and parallel to United Nations Plaza (First Avenue) and  
 43 runs north for a distance of one hundred ninety-seven feet six inches,  
 44 ending at the south side of Forty-second Street.

45 2. All properties in the district, lying easterly of a line parallel  
 46 to and three hundred twenty-five feet westerly from the westerly side of  
 47 United Nations Plaza, even though separated by a street, not including  
 48 the United Nations 42nd Street consolidation area, and not including any  
 49 property that is part of any reuse project, shall be deemed, notwith-  
 50 standing any other provision of law, to be one zoning lot for all  
 51 purposes, and the maximum floor area ratio of such properties, deemed to  
 52 be part of one zoning lot and taken as a whole, shall not exceed  
 53 fifteen.

54 3. The corporation may undertake or cause to be undertaken the  
 55 execution of any portion of the development plan heretofore approved  
 56 under section seven of this chapter without requiring any amendment to

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1 or modification of such development plan and without further approval  
 2 under section seven of this chapter.

3 4. No portion of any structure permitted to be developed pursuant to  
 4 a further development plan at 42nd Street, if and when effectuation of  
 5 such further development plan at 42nd Street is permitted under this  
 6 chapter, may be built to a height greater than the height of the United  
 7 Nations secretariat building. Subject to compliance with the foregoing  
 8 limitation in this subdivision, nine hundred thousand square feet of  
 9 floor area as defined in any applicable zoning resolution shall be  
 10 deemed attributable under such zoning resolution to the land that is a  
 11 portion of the United Nations 42nd Street consolidation area and is  
 12 described in the second sentence of subdivision one of this section, and  
 13 a maximum of nine hundred thousand square feet of such floor area shall  
 14 be permitted to be incorporated in such structure as part of a further  
 15 development plan at 42nd Street.

16 § 11. This act shall take effect immediately, and if and when the  
 17 memorandum of understanding is completed and signed as provided in  
 18 section two of this act, the provisions thereof shall, to the extent  
 19 stated therein, have the same effect as if they were included in this  
 20 act; provided, that the mayor of the city of New York shall notify the  
 21 legislative bill drafting commission upon the completion and signing of  
 22 the memorandum of understanding as provided in section two of this act  
 23 in order that the commission may maintain an accurate and timely effec-  
 24 tive data base of the official text of the laws of the state of New York  
 25 in furtherance of effectuating the provisions of section 44 of the  
 26 legislative law and section 70-b of the public officers law. Notwith-  
 27 standing the foregoing, the provisions of this act shall expire and be  
 28 deemed repealed if on or before October 10, 2011, the memorandum of  
 29 understanding has not been completed and signed as provided in section  
 30 two of this act.

(The following is the text of the State Sponsor's Memorandum in Support:)

NEW YORK STATE ASSEMBLY  
 MEMORANDUM IN SUPPORT OF LEGISLATION  
 submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A8305A

SPONSOR: Kavanagh

TITLE OF BILL: An act to authorize the city of New York to discontinue  
 certain land as parkland and alienate such land for purposes of such  
 consolidation project, in accordance with and subject to a memorandum of  
 understanding; and to amend chapter 345 of the laws of 1968, relating to  
 establishing a United Nations development district, in relation to an  
 additional reuse project and a consolidation project for the United  
 Nations; and providing for the repeal of such provisions upon expiration  
 thereof

PURPOSE: To authorize the city of New York (the "City") to alienate a  
 portion of the parkland on part of the block between East 41st and East  
 42nd Streets on the east side of First Avenue in Manhattan for use by  
 the United Nations, in accordance with and subject to a memorandum of  
 understanding (the "MOU") to be signed by October 10, 2011, with the  
 authorization to expire and this act to be deemed repealed if, by that  
 date, the MOU is not completed and signed.

SUMMARY OF PROVISIONS: Section 1 authorizes the City to discontinue  
 the use as parkland of the western portion (an area of 0.6623 acres) of  
 the Robert Moses Playground (the "Western RMP Portion") located between  
 Forty-first and Forty-second Streets on the east side of First Avenue in  
 Manhattan, as described in the act, and to use the same or sell, lease  
 or otherwise transfer the same to the United Nations Development Corpo-  
 ration (the "UNDC") for purposes consistent with the UNDC's enabling  
 legislation, as amended, including as amended by this act. The authori-  
 zation for alienation of the Western RMP Portion will take effect only  
 if the conditions set forth in Section 2 of this act are satisfied.

Section 2 provides that the authorization granted in Section 1 of this  
 act for the alienation of the Western RMP Portion will take effect only  
 if the MOU is completed and signed as provided in the act and the City  
 satisfies obligations to be described in the MOU that are required under  
 the MOU to be satisfied prior to such alienation. Any obligations of the  
 City set forth in the MOU and required to be satisfied after such alien-  
 ation, shall, to the extent stated in the MOU, survive such alienation  
 and be enforceable against the City with the same effect as if included  
 in the act. Persons described in the MOU as having standing to pursue  
 equitable remedies against the City to enforce the City's obligations as  
 described in the MOU shall have standing to pursue those equitable reme-  
 dies. The preceding will not limit any other remedies that may be avail-  
 able as provided in the MOU.

The act provides for the MOU to be signed by the Mayor of the City, the  
 Temporary President of the New York State Senate and the Speaker of the  
 New York State Assembly, after consultation with the members of the  
 Senate, the Assembly, and the City Council whose districts include the  
 area in which the Robert Moses Playground is located. The MOU would,

among other matters: (i) identify the extent of, the sources for, and the procedures applicable to funding for parkland and other recreational space in Manhattan to replace the Western RMP Portion; (ii) provide for the City to designate and map other parkland in Manhattan that would, together with parkland that the City designates and maps pursuant to Section 3 of the act, have a value in the aggregate at least equal to the value of the Western RMP Portion; (iii) provide for the City to take possession of and rehabilitate the ConEd Waterside Pier between Thirty-eighth and Forty-first Streets on the east side of Manhattan, and provide for the prior user of that area to make a payment to the City for such rehabilitation; and (iv) provide for a portion of amounts available to the City in the future in the event of an ownership transfer, by sale or otherwise, or a refinancing involving the existing buildings at One and Two United Nations Plaza (First Avenue) in Manhattan, to be directed toward the costs of a continuous walkway and bike path along the East River or the costs of other parkland.

Section 3 authorizes the City, acting by the Mayor alone, to take such administrative and other actions, all of which are deemed ministerial, to demap, discontinue and close the part of the public streets of the City known as Asser Levy Place (an area of approximately 0.6267 acres) in Manhattan, and to designate and map such area as parkland, provided that the MOU is completed and signed as provided in the act and the City satisfies obligations described in the MOU that are required under the MOU to be satisfied prior to the provisions of Section 3 being effective.

Sections 4 through 10 amend the UNDC's 1968 enabling legislation, except that the amendments have no effect unless and until the MOU is completed and signed as provided in the act and certain other conditions as specified in the act are satisfied.

Sections 4 and 4-a amend the UNDC's enabling legislation to define the "United Nations 42nd Street Consolidation Project," referred to in this Summary of Provisions as the "Consolidation Project." The definition of a development plan in the UNDC's enabling legislation is updated to include the Consolidation Project, and to define an "additional reuse project" consisting of the possible future acquisition and renovation by the UNDC of the "UNITAR" located at 45th Street and United Nations Plaza and currently owned and occupied by the United Nations (the "UN"). As part of the Consolidation Project, the UNDC is authorized to cooperate with and assist the City in the planning for, and paying the costs of, parkland replacement for the Western RMP Portion.

Section 5 amends the UNDC's enabling legislation to establish and add a definition of the "United Nations 42nd Street consolidation area." This area includes the Western RMP Portion, which is uniquely suited for use by the UN and which would be the site for the building permitted to be constructed as part of the Consolidation Project, referred to in this Summary of Provisions as the "Consolidation Building." The Western RMP Portion does not include the dog run or the basketball and handball courts located at the eastern portion of the Robert Moses Playground. The Consolidation Building could not exceed the height of the existing UN Secretariat Building and could not include more than 900,000 square feet of floor area.

Section 6 amends the UNDC's enabling legislation to update certain provisions describing the UNDC's powers (such as replacing, an obsolete reference to the New York City Board of Estimate with a reference to the City Council), without increasing or diminishing those powers, except to provide that requirements under the New York State Finance Law for public bidding are not to be applied to restrict the UNDC's pre-qualification of bidders for purposes of the Consolidation Project. The UNDC would not be permitted to carry out the development plan for the Consolidation Project unless and until the MOU is completed and signed and the development plan is approved by the City Planning Commission and the

City Council pursuant to the City's Uniform Land Use Review Procedure ("ULURP") under the City Charter.

Section 7-a amends the UNDC's enabling legislation to provide for review pursuant to ULURP of the development plan for the Consolidation Project and possibly for the additional reuse project. Approval of the development plan for the Consolidation Project would include, without limitation, land use review authorization for any disposition by the City of any and all land or other rights, including the Western RMP Portion, for purposes of such development plan and land use review authorization for any demapping, discontinuing and closing by the City of any and all volumes of space and any other portions of any public streets for such purposes. The UNDC would not be permitted to carry out the development plan for the Consolidation Building unless and until the MOU is completed and signed and the development plan is approved pursuant to ULURP.

Section 8 amends the UNDC's enabling legislation to authorize the City, acting by the Mayor alone, but subject to approval of the development plan for the Consolidation Project pursuant to ULURP as referred to above and completion and signature of the MOU as provided in the act, to sell, lease for a term not exceeding 99 years, or otherwise transfer land or other real property included within the United Nations 42nd Street consolidation project to the UNDC for purposes of carrying out such development plan,

Section 9 amends the UNDC's enabling legislation to provide that the land, buildings, and other improvements included as part of the Consolidation Project will be subject to real property taxation, unless owned by the City and leased to the UNDC for not more than 99 years, with an agreement by the UNDC to pay the City or its designee amounts in lieu of real estate taxes, which payments the City or its designee will be authorized to pledge, on terms satisfactory to the City, acting by the Mayor alone, as security for the financing of the Consolidation Project.

Section 10 amends the UNDC's enabling legislation to confirm that the area within the United Nations 42nd Street consolidation area on which UNDC may construct the Consolidation Building is limited to the Western RMP Portion, and also limits the height of the Consolidation Building to no greater than the height of the UN Secretariat Building and the floor area of the Consolidation Building to a maximum of 900,000 square feet.

Section 11 provides that the provisions of the MOU shall, to the extent stated therein, have the same effect as if they were included in the act, and that the provisions of this act will expire and be deemed repealed on October 10, 2011, if by that date, the MOU is not completed and signed as provided in the act.

**JUSTIFICATION:** This legislation provides authorization for the City, subject to the MOU required in the legislation and described above, in consultation with the legislative representatives of the affected community on the east side of Manhattan, and also subject in key respects to

the City's existing land use review process, to take major steps toward addressing several important needs.

The United Nations requires an additional building adjacent to its existing campus in order to increase the security of its workers and visitors, and to consolidate its offices, which are currently spread among various buildings owned by the city or by private landlords. The continued presence of the United Nations in New York is of local, state-wide, national, and international importance. Essential public purposes are served and significant economic activity and tax revenues are generated for the City and the State of New York, by providing for the facilities, space, and security needs of the United Nations permanent headquarters, which serves as a gathering place for the world community and the 192 United Nations member states.

If the MOU provided for in the legislation and described above is signed by October 10, 2011 this legislation would alienate a portion of the public parkland located on part of a city block immediately south of the United Nations, and authorize the land to be transferred to the UNDC, and provide the authorizations necessary for the UNDC and the City to facilitate the construction of the new building needed by the United Nations.

In addition to benefitting the United Nations, generating substantial economic activity, and ensuring that revenue from the presence of the United Nations continues to flow to the City and State, this legislation creates the opportunity to provide resources necessary to fund and build greater public recreational access to the East River waterfront—a major step toward completing the greenway around Manhattan—and increase the limited open space in the area.

**LEGISLATIVE HISTORY:** This is a new bill.

**FISCAL IMPACT ON THE STATE:** To be determined.

**EFFECTIVE DATE:** This act shall take effect immediately, and if and when the memorandum of understanding is completed and signed as provided in section two of this act, the provisions thereof shall, to the extent stated therein, have the same effect as if they were included in this act; provided, that the mayor of the city of New York shall notify the legislative bill drafting commission upon the completion and signing of the memorandum of understanding as provided in, section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Notwithstanding the foregoing, the provisions of this act shall expire and be deemed repealed if on or before October 10, 2011, the memorandum of understanding has not been completed and signed as provided in section two of this act.

Referred to the Committee on State and Federal Legislation.

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

M-533

**Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2012 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2012, pursuant to the City Charter.**

May 24, 2011

Honorable Christine Quinn  
Speaker of the Council  
City Hall  
New York, NY 10007

Dear Ms. Quinn:

Pursuant to Sections 11-224.1, 11.312(c), 11-313(e) and 1519-a, of the New York City Administrative Code, the Banking Commission, at its meeting on May 19, 2011, adopted resolutions recommending to the Council that the proposed interest rates to be charged for non-payment of taxes for real estate, and for non-payment of water and sewer rents, and the discount rate for early payment of real estate taxes for FY 2012 be:

a. Nine percent (9.00%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

b. Eighteen percent (18.00%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars

(\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

c. Nine percent (9.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

d. Eighteen percent (18.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

e. One percent (1.00%) discount per annum applied to the real estate tax that is paid no later than the due date.

Copies of the resolutions are attached.

#### **Resolution No. 1 - Interest Rate Recommendation (Real Estate)**

**WHEREAS**, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

**WHEREAS**, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

**WHEREAS**, the Banking Commission notes that as of May 19, 2011, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

**WHEREAS**, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all taxpayers, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2012, and be it further

**RESOLVED**, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

#### **Resolution No. 2 - Interest Rate Recommendation (Real Estate)**

**WHEREAS**, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land,

**WHEREAS**, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

**WHEREAS**, the Banking Commission notes that as of May 19, 2011, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

**WHEREAS**, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all large taxpayers, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for real estate where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land remains eighteen per cent (18%) per annum for Fiscal Year 2012, and be it further

**RESOLVED**, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

#### **Resolution No. 3 - Interest Rate Recommendation (Water and Sewer Rental)**

**WHEREAS**, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the

City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

**WHEREAS**, the proposed interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), shall be at least equal to the said prime rate, and

**WHEREAS**, the Banking Commission notes that as of May 19, 2011, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

**RESOLVED**, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2012, and be it further

**RESOLVED**, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 19, 2011

#### **Resolution No. 4 - Interest Rate Recommendation (Water and Sewer Rents)**

**WHEREAS**, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

**WHEREAS**, pursuant to said provisions of the Administrative Code, the proposed interest rate to be charged non-payment of water rents and sewer rents for a property with an assessed value of more than two hundred fifty thousand dollars (\$250,000) shall be at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

**WHEREAS**, the Banking Commission notes that as of May 19, 2011, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

**RESOLVED**, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for all properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains eighteen percent (18%) per annum for Fiscal Year 2012, and be it further

**RESOLVED**, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 19, 2011

#### **Resolution No. 5 - Discount Rate Recommendation**

**WHEREAS**, pursuant to Section 1519(a) of the City Charter, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth of May, the proposed discount percentage allowed for early payment of real estate taxes, now, therefore be it

**RESOLVED**, the Banking Commission recommends to the City Council, the discount percentage that shall be allowed for early payment of real estate taxes shall be one per cent (1.0%) per annum for Fiscal Year 2012, and be it further

**RESOLVED**, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 19, 2011

*Representatives of the Mayor's Office and the [Commissioner](#) of Finance voted yea for Resolutions 1 through 5 and the representative of the Office of the City Comptroller voted nay for Resolutions 1 through 5.*

Referred to the Committee on Finance.

#### **LAND USE CALL UPS**

M-534

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 49 Grove Street, CB 2, Application no. 2010551 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-535

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 260 Sixth Avenue, CB 2, Application no. 20115581 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-536

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 113 Jane Street, CB 2, Application no. 20115538 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-537

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 114 Kenmare, CB 2, Application no. 20115455 TCM 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, Garodnick, Gennaro\*, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **49\***.

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

\* Please see the Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 14, 2011 and the Recessed Council Meetings held on June 15, 2011 and June 28, 2011 printed after the Roll Call for Attendance for June 14, 2011 in these Minutes:

#### 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 M-533

**Report of the Committee on Finance in favor of approving a Communication from the New York City Banking Commission regarding transmitting recommendations of the interest rate to be charged for Fiscal Year 2012 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2012, pursuant to the City Charter.**

The Committee on Finance, to which the annexed communication was referred on June 14, 2011, respectfully

#### REPORTS:

*After due deliberation, this Committee decided to approve M-533 as well as related Res. Nos. 860-864.*

**(For text of the reports of the related resolutions, please see the reports of the Committee on Finance for Res. Nos. 860, 861, 862, 863, and 864, respectively, printed below in these Minutes.)**

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for Res. No. 860

**Report of the Committee on Finance approving a Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

#### REPORTS:

Section 11-224.1 the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission ("the Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for co-ops,<sup>1</sup> the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 19, 2011, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2012 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for co-ops.<sup>2</sup>

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation and establishes that the interest rate be 9% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

<sup>1</sup> To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

<sup>2</sup> Interest rate reflects the Prime Rate that is referenced in the Banking Commission's resolution and letter. The Banking Commission notes that as of May 19, 2011 the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

**(The following is the text of Res No. 860:)**

Res. No. 860

**Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, It is in the City's best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

**Whereas**, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for Res. No. 861

**Report of the Committee on Finance approving a Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

**REPORTS:**

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission ("the Commission") to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments,<sup>1</sup> the Banking Commission shall propose an interest rate of at least six percent per annum greater than the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 19, 2011, a recommendation to the Council to establish an interest rate of 18% per annum for Fiscal Year 2012 to be charged for non-payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.<sup>2</sup>

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission's recommendation and establishes that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res No. 861:)**

Res. No. 861

**Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

**Whereas**, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

for the Lower Ma\_\_\_\_\_

<sup>1</sup>To be deemed over \$250,000, the cooperative apartment would have to be located in a building where the average assessed valuation of units is over \$250,000.

<sup>2</sup> Interest rate reflects the Prime Rate referenced in the Banking Commission's resolution and letter. The Banking Commission notes that on May 19, 2011, the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

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 Res. No. 862

**Report of the Committee on Finance approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

#### REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Banking Commission, at its meeting on May 19, 2011, adopted a resolution recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 9% per annum for Fiscal Year 2012 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 19, 2011, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors. The Banking Commission forwarded, by letter dated May 24, 2011, such recommendation to the City Council.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res No. 862:)**

Res. No. 862

**Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

**Whereas**, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

**Whereas**, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2012 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for Res. No. 863

**Report of the Committee on Finance approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

#### REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. For properties with an assessed value of over \$250,000, the Banking Commission shall propose a rate at least six percent per annum greater than the Prime Rate.

The Banking Commission, at its meeting on May 19, 2011, adopted a resolution, recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 18% per annum for Fiscal Year 2012 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 19, 2011, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res No. 863:)**

Res. No. 863

**Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

**Whereas**, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

**Whereas**, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2012 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2012 for non-payment of water rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for Res. No. 864

**Report of the Committee on Finance approving a Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2012.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

**REPORTS:**

**BACKGROUND:**

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the entire tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1<sup>st</sup> installment could be paid without interest.<sup>1</sup> For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15<sup>th</sup>, the discount is calculated at a rate of two-thirds of the discount percentage. And if the last two quarters (due in January and April) are paid in full on or before January 15<sup>th</sup> the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15<sup>th</sup> due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, section 1519-a (7)(c) of the New York City Charter, as amended by Local Law No. 66 of 2008, provides that the New York City Council may adopt a discount percentage on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter.

If the Council does not set a discount rate, the DEFAULT discount rate, which is set by law, specifically Charter 1519-a (7)(d), will apply. The default discount rate is 1.5%.

**RESOLUTION:**

Pursuant to Charter section 1519-a(7)(c), the Council establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2012.

<sup>1</sup> This is the only discount available to semi-annual taxpayers for tax bills due on or after July 1<sup>st</sup>, 2005. Taxpayers who pay semi-annually will no longer be eligible for a 30-day discount on the second half of the tax bill due on January 1<sup>st</sup>, even if paid by December 1<sup>st</sup>.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res No. 864:)**

Res. No. 864

**Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2012.**

By Council Member Recchia.

**Whereas**, Section 1519-a (7)(c) of the New York City charter provides that the council may adopt a discount percentage for early payment of real estate taxes on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

**Whereas**, This Resolution, dated June 19, 2011, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2012.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for Res. No. 865

**Report of the Committee on Finance approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on June 14, 2011, respectfully

**REPORTS:**

**Introduction.** The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated June 14, 2011, amends the description for the Description/Scope of Services for the NYPD - Patrol Borough Staten Island, an organization receiving local discretionary funding in the amount of \$22,000 within the budget of the New York Police Department. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "Purchase of two Lidar Laser guns and portable hand held computers." This Resolution now changes the Description/Scope of Services to read: "To Purchase Tomcat Two hand-held stationary traffic radar guns with battery packs and chargers, One Flashcam for surveillance, Twenty widescreen navigators, One motion-activated 16-channel digital video recorder for training."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Community Center of the Rockaway Peninsula, Inc., an organization receiving youth discretionary funding in the amount of \$50,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "Vocational program for teenagers on classroom instruction and hands on experience from experienced tradesmen." This Resolution now changes the Description/Scope of Services to read: "To support vocational program including classroom instruction and job referral services."

Also, this Resolution amends the description for the Description/Scope of Services for The Sunnyside Gardens Preservation Alliance, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Small Business Services. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "Sunnyside Gardens Historic street sign. (brown signs)." This Resolution now changes the Description/Scope of Services to read: "Sunnyside Gardens Historic street signage (brown signs) & the purchase of imprinted tote bags for volunteers."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Yeled V'Yalda Early Childhood Center, Inc., an organization receiving youth discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for this organization for such organization listed in the Fiscal 2011 Expense Budget read: "For a fitness center that will help combat the obesity epidemic for Head Start parents and eligible low income households." This Resolution now changes the Description/Scope of Services to read: "To support the aquatic therapy program, which is intended to help the motor and locomotion development of children ages 2-21."

Further, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Lastly, this Resolution approves the new designation and changes in the designation of organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-5; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to the Fiscal 2010 Expense Budget, as set forth in Chart 6.

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010, or the Adjustments Summary/Schedule C/ Fiscal 2010 Expense Budget, dated June 19, 2009; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2011 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2011 and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res No. 865):**

Res. No. 865

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

By Council Member Recchia.

**Whereas**, On June 29, 2010 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, On June 19, 2009 the City Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the NYPD - Patrol Borough Staten Island, an organization receiving local discretionary funding in the amount of \$22,000 within the budget of the New York Police Department in the Fiscal 2011 Expense Budget to read: "To Purchase Tomcat Two hand-held stationary traffic radar guns with battery packs and chargers, One Flashcam for surveillance, Twenty widescreen navigators, One motion-activated 16-channel digital video recorder for training."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Community Center of the Rockaway Peninsula, Inc., an organization receiving local discretionary funding in the amount of \$50,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget to read: "To support vocational program including classroom instruction and job referral services."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for The Sunnyside Gardens Preservation Alliance, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Small Business Services to read: "Sunnyside Gardens Historic street signage (brown signs) & the purchase of imprinted tote bags for volunteers."; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Yeled V'Yalda Early Childhood Center, Inc., an organization receiving youth discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: "To support the aquatic therapy program, which is intended to help the motor and locomotion development of children ages 2-21."; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for the NYPD - Patrol Borough Staten Island, an organization receiving



local discretionary funding in the amount of \$22,000 within the budget of the New York Police Department in the Fiscal 2011 Expense Budget to read: "To Purchase Tomcat Two hand-held stationary traffic radar guns with battery packs and chargers, One Flashcam for surveillance, Twenty widescreen navigators, One motion-activated 16-channel digital video recorder for training."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the

Community Center of the Rockaway Peninsula, Inc., an organization receiving local discretionary funding in the amount of \$50,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget to read: "To support vocational program including classroom instruction and job referral services."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for The Sunnyside Gardens Preservation Alliance, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Small Business Services to read: "Sunnyside Gardens Historic street signage (brown signs) & the purchase of imprinted tote bags for volunteers."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for Yeled V'Yalda Early Childhood Center, Inc., an organization receiving youth discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: "To support the aquatic therapy program, which is intended to help the motor and locomotion development of children ages 2-21."; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 6.

**ATTACHMENT:**

CHART 1: Local Initiatives

| Member   | Organization   | EIN Number | Agency | Amount       | Agy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit EIN |
|----------|--|------------|--------|--------------|-------|-----|--|--------------------|
| Dickens  | Tabernacle of Deliverance for All People, Inc.       | 13-3581446 | DYCD   | (\$5,000.00) | 260   | 312 |  |                    |
| Dickens  | Harlem Congregations for Community Improvement, Inc. | 13-3516262 | DYCD   | \$5,000.00   | 260   | 312 |  |                    |
| Jackson  | Tabernacle of Deliverance for All People, Inc.       | 13-3581446 | DYCD   | (\$5,000.00) | 260   | 312 |  |                    |
| Jackson  | Harlem Congregations for Community Improvement, Inc. | 13-3516262 | DYCD   | \$5,000.00   | 260   | 312 |  |                    |
| Dickens  | AK Houses Tenant Association, Inc.                   | 02-9553478 | DYCD   | (\$3,500.00) | 260   | 005 |  |                    |
| Dickens  | Friends of the Upper East Side Historic Districts ** | 02-9553478 | DYCD   | (\$3,500.00) | 260   | 005 | Addie Mae Collins Community Service    | 13-6183990         |
| Gardnick | Friends of the Upper East Side Historic Districts ** | 13-3183351 | DCA    | \$1,800.00   | 126   | 003 |  |                    |
| Gardnick | Lower East Side Tenement Museum, The **              | 13-3475380 | DYCD   | (\$5,000.00) | 260   | 005 |  |                    |
| Gardnick | Lower East Side Tenement Museum, The **              | 13-3475380 | DCA    | \$5,000.00   | 126   | 003 |  |                    |

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 2: Aging Discretionary

| Member | Organization                | EIN Number | Agency | Amount       | Agy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit EIN |
|--------|-----------------------------|------------|--------|--------------|-------|-----|--|--------------------|
| Comrie | Roy Wilkins Senior Dolphins | 13-7592057 | DFTA   | (\$5,000.00) | 126   | 003 |  |                    |
| Comrie | Roy Wilkins Senior Dolphins | 11-3122498 | DFTA   | \$5,000.00   | 126   | 003 |  |                    |

\* Indicates pending completion of pre-qualification review.

CHART 4: Immigrant Opportunities Initiative (IOI)

| Member | Organization   | EIN Number | Agency | Amount        | Agy # | UJA * |
|--------|--|------------|--------|---------------|-------|-------|
| Queens | Young Korean American Service and Education Center, Inc. | 11-2710506 | DYCD   | (\$35,500.00) | 260   | 005   |
| Queens | Minkwon Center for Community Action, Inc.                | 11-2710506 | DYCD   | \$35,500.00   | 260   | 005   |

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 3: Youth Discretionary

| Member   | Organization                                 | EIN Number | Agency | Amount       | Agy # | UJA | Fiscal Conduit<br>EIN |
|----------|--|------------|--------|--------------|-------|-----|-----------------------|
| Gentile  | 88th Precinct Youth Council, Inc.            | 11-2478910 | DYCD   | (\$500.00)   | 260   | 312 |                       |
| Gentile  | Guild for Exceptional Children, Inc.         | 11-6037766 | DYCD   | \$500.00     | 260   | 312 |                       |
| Williams | Harmony Program, City University of New York | 05-9606695 | DYCD   | (\$9,000.00) | 260   | 312 |                       |
| Williams | Harmony Program, City University of New York | 13-1988190 | DYCD   | \$9,000.00   | 260   | 312 |                       |

\* Indicates pending completion of pre-qualification review.

CHART 5: MWBE Leadership Association

| Organization  | EIN Number | Agency | Amount        | Agy # | UJA * |
|---|------------|--------|---------------|-------|-------|
| New York State Chapter of National Association Minority Contractors, Inc. | 20-8574186 | DSBS   | (\$50,000.00) | 807   | 005   |
| New York State Chapter of National Association Minority Contractors, Inc. | 11-3454539 | DSBS   | \$50,000.00   | 807   | 005   |

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 6: Immigrant Opportunities Initiative-Fiscal 2010

| Member | Organization   | EIN Number | Agency | Amount        | Agy # | U/A | Fiscal Conduit/Sponsoring Organization | Fiscal Conduit EIN |
|--------|--|------------|--------|---------------|-------|-----|--|--------------------|
| Queens | Young Korean American Service and Education Center, Inc. | 11-2710506 | DYCD   | (\$42,200.00) | 260   | 005 |  |                    |
| Queens | Minkwon Center for Community Action, Inc.                | 11-2710506 | DYCD   | \$42,200.00   | 260   | 005 |  |                    |

\* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for L.U. No. 409

**Report of the Committee on Finance approving Hudson House, 3247 Johnson Avenue, Block 5787, Lot 169, Bronx, Council District No. 11**

The Committee on Finance, to which the annexed Land use resolution was referred on June 14, 2011, respectfully

**REPORTS:**

June 14, 2011

TO: Hon. Domenic M. Recchia, Jr.  
Chair, Finance Committee  
  
Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of June 14, 2011-Resolution approving tax exemptions for four preconsidered Land Use Items (Council District's 2, 3 11, and 34).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: 530 West 45<sup>th</sup> Street and 510 West 45<sup>th</sup> Street in Speaker Quinn's District; 315-331 East 29<sup>th</sup> Street in Councilmember Mendez's District; 3247 Johnson Avenue in Councilmember Koppell's District, and Block 2419, Lots 7 and 9 in Councilmember Reyna's District.

530 West 45<sup>th</sup> Street and 510 West 45<sup>th</sup> Street will contain two buildings that will provide an undetermined number of units of rental housing for low income families. The sponsor, 44th Street Development LLC, will finance the acquisition and construction of this project with financing from the New York State Housing Finance Agency. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$318,403 in the first year of the exemption and \$24 million over the 40-year length of the exemption.

315-331 East 29<sup>th</sup> Street will preserve 208 units of affordable rental housing for low income families through the Inclusionary Housing Program. The Inclusionary Housing Program awards floor area compensation for the new construction, substantial rehabilitation or preservation of low income housing. This property currently receives a tax exemption that will expire upon the conveyance to the new owner, Phipps Housing. In order to ensure continued affordability of the project, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$208,546 in the first year of the exemption and \$15.7 million over the 40-year length of the exemption.

The Hudson House for the Elderly will be a seven-story multiple dwelling that will provide 58 units of rental housing for elderly persons of low income. The sponsor, Hudson House Housing 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"). In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a tax exemption pursuant to Section 422 of the Real Property Tax Law. The value of the tax exemption is projected at \$165,620 in the first year of the exemption and \$12.4 million over the 40-year length of the exemption.

Los Sures I contains two building that provides 42 units of rental housing for persons of low income. The sponsor, Los Sures SIP Housing Development Fund Corporation, will rehabilitate the property with financing from the City and private lenders. This property was granted a retroactive tax exemption by the Council in April, 2011 however the terms of the resolution contained incorrect information with regard to the effective date of when the exemption period would being. This resolution establishes the correct effective date of the retroactive tax exemptions which is June 5, 1992 and July 1, 1993 for each respective building.

These items have the approval of Councilmember's Quinn, Mendez, Koppell, and Reyna.

Accordingly, this Committee recommends the adoption of these items.

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

Res. No. 876

**Resolution approving a partial exemption from real property taxes for property located at 3247 Johnson Avenue (Block 5787, Lot 69) Bronx, pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 409)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 6, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at 3247 Johnson Avenue (Block 5787, Lot 69) Bronx ("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 June 14, 2011;

**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 ("Effective 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) \$42,926, 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, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for L.U. No. 410

**Report of the Committee on Finance approving Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District No. 34**

The Committee on Finance, to which the annexed Land use resolution was referred on June 14, 2011, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for LU No. 409 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 877

**Resolution approving an exemption from real property taxes for property located at (Block 2419, Lots 7, and 9) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 410).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 6, 2011 that the Council take the following action regarding a housing project to be located at (Block 2419, Lots 7, and 9) Brooklyn ("Exemption Area");

Approve an exemption of the Project from real property taxes pursuant to Section 577 of 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 June 14, 2011;

**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" for the properties listed in Exhibit A shall mean the respective effective dates indicated therein for each property.
  - (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 Brooklyn, City and State of New York, identified as Block 2419, Lots 7 & 9 on the Tax Map of the City of New York
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the New 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 Los Sures SIP Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- (g) "Owner" shall mean the New HDFC or any future owner of the Exemption Area.
- (h) "New Regulatory Agreement" shall mean the regulatory agreement between HPD and the New HDFC, as amended, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
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 New 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 (iii) 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the 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 on the Effective Date or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
4. In consideration of the Exemption, the New HDFC shall (i) execute and record the New Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation except for an exemption and /or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for L.U. No. 411

**Report of the Committee on Finance approving Phipps Housing, 315-331 East 29<sup>th</sup> Street, Block 935, Lot 13, Manhattan, Council District No. 2**

The Committee on Finance, to which the annexed Land use resolution was referred on June 14, 2011), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 409 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 878

**Resolution approving an exemption from real property taxes for property located at 315-331 East 29<sup>th</sup> Street (Block 935, Lot 13) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 411).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 6, 2011 that the Council take the following action regarding a housing project to be located at 315-331 East 29<sup>th</sup> Street (Block 935, Lot 13) 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 June 14, 2011;

**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 Owner enter into the Regulatory Agreement.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 935, Lot 13 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 forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (g) "HDFC" shall mean Henry Phipps Plaza North Housing Development Fund Corporation.
  - (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (i) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (j) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (l) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area pursuant to Article II of the Private Housing Finance Law.
  - (m) "Regulatory Agreement" shall mean the Regulatory Agreement between HPD and the HDFC establishing certain controls on the operation of the Exemption Area during the term of the Exemption.
  - (n) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area,

including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

- (o) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent, but in no event less than a dollar amount equal to the last partial real property tax payment due under the Prior Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, 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 Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, the Owner of the Exemption Area, for so long as the New 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, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

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

Report for L.U. No. 412

**Report of the Committee on Finance approving 530 West 45th Street and 510 West 45th Street, Block 1073, Part of Lot 1 (tentative Lots 12 and 20), Manhattan, Council District No. 3**

The Committee on Finance, to which the annexed Land use resolution was referred on June 14, 2011, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for LU No. 409 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 879

**Resolution approving an exemption from real property taxes for property located at 530 West 45<sup>th</sup> Street and 510 West 45<sup>th</sup> Street (Block 1073, Part of Lot 1, Tentative Lots 12 and 20) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 412).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 6, 2011 that the Council take the following action regarding a housing project to be located at 530 West 45<sup>th</sup> Street and 510 West 45<sup>th</sup> Street (Block 1073, Part of Lot 1, Tentative Lots 12 and 20), 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 June 14, 2011;

**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 Owner enter into the Regulatory Agreement.

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

(c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1073, Part of Lot 1 (tentative Lots 12 and 20) 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 forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- (e) “HDFC” shall mean 45 Street Housing Development Fund Company, Inc.
- (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) “LLC” shall mean 44<sup>th</sup> Street Development LLC.
- (h) “Owner” shall mean, collectively, the HDFC and the LLC.
- (i) “Regulatory Agreement” shall mean the Regulatory Agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) “Shelter Rent” shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) “Shelter Rent Tax” shall mean an amount equal to (i) the real property taxes that would otherwise be due and payable in the absence of any form of exemption from or abatement of real property taxation on the assessed value of the Exemption Area during the tax year preceding the commencement of construction of the two new multiple dwellings in Years 1 through 3 of the Exemption; (ii) two and four-tenths percent (2.4%) of Shelter Rent in Years 4 through 15 of the Exemption; (iii) five percent (5%) of Shelter Rent in Years 16 and 17 of the Exemption; (iv) ten percent (10%) of Shelter Rent in Years 18 and 19 of the Exemption; (v) fifteen percent (15%) of Shelter Rent in Years 20 through 28 of the Exemption; and (vi) sixteen and one-half percent (16.5%) of Shelter Rent in Years 29 through 40 of the Exemption; provided, however, that the Shelter Rent Tax shall in no event be less than \$277,442 dollars in or after Year 5 of the Exemption, and, provided further, that in the event that the Expiration Date is less than 40 years from the Effective Date, the Shelter Rent Tax payment amount will end in the particular year of such Expiration Date.
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 or to parking facilities), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, 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 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. Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 14, 2011.

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

### Report of the Committee on Governmental Operations

Report for Int. No. 361-A

#### Report of the Committee on Governmental Operations, in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the posting of executive orders and memoranda of understanding on the city’s website.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page xxxx), respectfully

#### REPORTS:

##### I. Introduction

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet to vote on Proposed Int. 361-A (the “Amended Bill”), a local law that would amend the administrative code of the city of New York, in relation to the posting of executive orders and memoranda of understanding on the city’s website.

The Committee held a hearing on a prior version of this bill on October 25, 2010.

##### II. Background

The Mayor of the City of New York has the authority to issue executive orders directing the operations of his or her administration. City agencies have the authority to enter into memoranda of understanding (“MOUs”), which are documents that describe an agreement between two or more parties, yet generally lack the legal requirements of a contract. In the governmental context, such memoranda can memorialize agreements between agencies, between separate governmental entities, or between governmental entities and non-governmental third parties.

Historically, a wide variety of issues such as social services delivery, City employment practices, and City discrimination policies have been addressed through the use of both executive orders and MOUs. Despite their widespread use, however, the public has only limited access to these documents. Executive orders dating from 2004 are available on the internet through a third-party website,<sup>1</sup> but they are not available on the City’s website. MOUs are sometimes available on agency websites, but there is no formal repository of these documents or public list of those that are currently in effect.

Members of the public may seek to obtain executive orders and MOUs in hard copy via a freedom of information law (“FOIL”) request.<sup>2</sup> The FOIL process, however, can be inconvenient and time-consuming -- both for the public and the relevant agency. In addition, the individual seeking to obtain these public documents via FOIL must normally pay a monetary fee in order to do so.

##### III. The Legislation

###### A. The Original Bill and First Hearing

The original version of the bill required that all executive orders and MOUs be made available to the public at no charge on the City’s website, without exception. The Committee held a hearing on this version of the bill on October 25, 2010. At that hearing, the Committee heard testimony from a representative of the administration who testified in support of the legislation with respect to the posting of executive orders. With respect to the posting of MOUs, the administration suggested that the scope of the legislation be clarified in order to safeguard MOUs for which disclosure would jeopardize law enforcement or other critical agency operations, as well as reflect the types of protections contained in FOIL. The

administration also suggested that a reasonable timeframe be included in the legislation to ensure that city agencies are fully capable of complying with the posting requirements. The Amended Bill reflects these suggestions made by the administration at the October 25, 2010 hearing.

*B. The Amended Bill*

i. Executive Orders

The Amended Bill would mandate that the City make all executive orders issued on or after January 1, 1974 available free of charge on the City's website. Executive orders issued between January 1, 1974 and December 31, 2001 must be posted by January 1, 2012; executive orders issued on or after January 1, 2002 must be posted by July 1, 2011. This timeframe for posting previously enacted executive orders fully addresses the concerns expressed by the administration at the October 25, 2010 hearing.

The Amended Bill would also require the Mayor to post on the City's website and provide to the Council all newly enacted executive orders within five business days from the date of execution. The previous version of the bill did not provide a timeframe in which the administration had to post newly enacted executive orders or a requirement that it provide newly enacted executive orders to the Council.

ii. MOUs

With respect to MOUs, the Amended Bill would require most MOUs<sup>3</sup> entered into between city agencies, or a city agency and a non-governmental agency, that materially affect the rights and procedures available to the public to be made available free of charge on the City's website.<sup>4</sup> MOUs that are entered into on or after December 15, 2011 must be posted on the City's website within thirty days after taking effect. MOUs that were entered into between July 1, 2010 and December 14, 2011 must be posted by April 1, 2012.<sup>5</sup> Once posted, an MOU would remain on the City's website throughout the entire period that it is in effect.

The Amended Bill specifies certain categories of MOUs that are exempt from the posting requirement. Whereas the original version of the bill applied to all MOUs, in the Amended Bill the following types of MOUs would not be required to be posted:

- MOUs that could be withheld from disclosure under FOIL<sup>6</sup>;
- MOUs for which disclosure would impair law enforcement or emergency response operations;
- MOUs for which disclosure would impair the ability of the City to enter into such agreements; and
- MOUs for which posting could reasonably result in material adverse consequences for city agency operations.

These exemptions fully address the concerns expressed by the administration at the October 25, 2010 hearing.

In addition, for MOUs that are excessive in length, an excerpt and a brief summary of the MOU may be posted in lieu of the entire agreement. The full version of the MOU, however, must be made available upon request at no charge.

<sup>1</sup> Center for New York City Law at New York Law School website, [http://www.nyls.edu/centers/harlan\\_scholar\\_centers/center\\_for\\_new\\_york\\_city\\_law/cityadmin\\_library](http://www.nyls.edu/centers/harlan_scholar_centers/center_for_new_york_city_law/cityadmin_library).

<sup>2</sup> N.Y. Pub. Officers Law § 87.

<sup>3</sup> The Amended Bill applies to MOUs as well as "similar agreements" that are the functional equivalent of MOUs but may not be labeled as such. All references to MOUs within this Committee Report also apply to such similar agreements.

<sup>4</sup> MOUs that are purely technical or administrative in nature that do not materially affect the rights and procedures available to the public would not be required to be posted.

<sup>5</sup> MOUs entered into prior to July 1, 2010 would not be required to be posted on the City's website.

<sup>6</sup> N.Y. Pub. Officers Law § 87.

**(The following is the text of the Fiscal Impact Statement for Int. No. 361-A:)**



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

PROPOSED INTRO. NO. 361-A

COMMITTEE: Governmental Operations

**TITLE:** To amend the administrative code of the city of New York, in relation to the posting of executive orders and memoranda of understanding on the city's website.

**SPONSORS:** By Council Members Brewer, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Mealy, Palma, Rose, Sanders Jr., Vacca, Van Bramer, Williams, Rodriguez, Mendez, Nelson, Halloran and Ulrich

**SUMMARY OF LEGISLATION:** The proposed legislation would mandate that the City make certain executive orders and memoranda of understanding available free of charge on the City's website. This legislation would apply to all executive orders effective on or after January 1, 1974 and, subject to FOIL exemption, all memoranda of understanding effective on or after July 1, 2010. All mayoral executive orders issued on or after July 1, 2011 shall be provided to the council and posted on the city's website within five business days from the date of execution. Where the length of a memorandum of understanding or similar agreement is excessive, an agency may post an excerpt and a brief summary of such memorandum or agreement on the city's website.

**EFFECTIVE DATE:** This local law shall take effect immediately; provided, however, that: (a) all executive orders issued on or after January 1, 1974 through December 31, 2001 shall be made available on the city's website on or prior to January 1, 2012 and all executive orders issued on or after January 1, 2002 shall be made available on the city's website on or prior to July 1, 2011; and (b) memoranda of understanding or similar agreements entered into on or after July 1, 2010 and prior to December 15, 2011 that are within the scope of this local law shall be made available on the city's website not later than April 1, 2012.

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** This local law would generate no additional revenues for the City.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures as a result of this legislation since existing resources could be used to post said documents on the City's website.

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

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

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

**HISTORY:** Int. No. 361 was introduced to the full Council on October 13, 2010 and referred to the Committee on Governmental Operations. On October 25, 2010, the Committee on Governmental Operations held a hearing on Int. 361 and the bill was laid over. An amended version of the legislation, Proposed Int. 361-A, will be considered by the Committee on June 13, 2011.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 361-A:)**

Int. No. 361-A

By Council Members Brewer, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Mealy, Palma, Rose, Sanders Jr., Vacca, Van Bramer, Williams, Rodriguez, Mendez, Nelson, Gennaro, Weprin, Barron, Vallone, Wills, Gonzalez, Garodnick, Halloran, Ulrich and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of executive orders and memoranda of understanding on the city's website.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-113 to read as follows:

§3-113. *Posting of executive orders and memoranda of understanding on the city's website.*

a. (1) All mayoral executive orders issued on or after January 1, 1974 shall be posted on the city's website.

(2) All mayoral executive orders issued on or after July 1, 2011 shall be provided to the council and posted on the city's website within five business days from the date of execution.

b. (1) All memoranda of understanding or similar agreements entered into between city agencies that materially affect the rights of or procedures available to the public and could not be withheld from disclosure under article six of the public officers law shall be posted on the city's website within thirty days after taking effect and thereafter during the period that they are in effect, unless their disclosure would impair law enforcement or emergency response operations.

(2) All memoranda of understanding or similar agreements entered into between city agencies and non-city governmental agencies that materially affect the rights of or procedures available to the public and could not be withheld from



disclosure under article six of the public officers law shall be posted on the city's website within thirty days after taking effect and thereafter during the period that they are in effect, unless their disclosure would impair the ability of the city to enter into such memoranda or agreements with such non-city agencies or impair law enforcement or emergency response operations.

(3) The posting requirements set forth in this subdivision shall not apply if posting could reasonably result in material adverse consequences for city agency operations.

c. Where the length of a memorandum of understanding or similar agreement is excessive, an agency may comply with this subdivision by posting an excerpt and a brief summary of such memorandum or agreement on the city's website, provided that the full version of such memorandum of understanding or similar agreement shall be made available upon request at no charge.

d. The documents posted in accordance with this section shall be made available to the public on the city's website at no charge.

e. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section shall not result in the invalidation of any mayoral executive order, memorandum of understanding or similar agreement, or action taken pursuant to such order or memorandum of understanding or similar agreement.

§ 2. This local law shall take effect immediately; provided, however, that: (a) all executive orders issued on or after January 1, 1974 through December 31, 2001 shall be made available on the city's website on or prior to January 1, 2012 and all executive orders issued on or after January 1, 2002 shall be made available on the city's website on or prior to July 1, 2011; and (b) memoranda of understanding or similar agreements entered into on or after July 1, 2010 and prior to December 15, 2011 that are within the scope of this local law shall be made available on the city's website not later than April 1, 2012.

GALE A. BREWER, Chairperson; DOMENIC M. RECCHIA JR., PETER F. VALLONE, JR., INEZ E. DICKENS, Committee on Governmental Operations, June 13, 2011.

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

### Report of the Committee on Housing and Buildings

Report for Int. No. 64-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the electrical code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on March 3, 2010 (Minutes, page 562), respectfully

#### REPORTS:

##### BACKGROUND:

On June 14, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 64-A, "A Local Law to amend the administrative code of the city of New York, in relation to the Electrical Code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025." Proposed Int. No. 64-A would update the current Electrical Code as required by Local Law number 64 for the year 2001 by adopting the 2008 version of the National Electrical Code (NEC) and making several technical and administrative amendments to ensure that the Electrical Code remains up to date and focused on the needs of New York City.

On September 21, 2010, the Committee considered an earlier version of this legislation and received testimony from representatives from the Department of Buildings (DOB or Department), the New York Electrical Contractors, Inc., the Joint Industry Board of the Electrical Industry, Verizon, Inc. Time Warner, Inc., Cablevision, various unions, and industry associations. Amendments to the bill before the Committee today were made following this initial hearing.

##### History of the Current Electrical Code

In late 2001, the City enacted Local Law 64 and set in motion a procedure whereby the City could implement a new Electrical Code based on a model code, specifically the NFPA 70, National Electrical Code (NEC).<sup>1</sup> The National Electric Code is a recognized document that is sponsored by the National Fire Protection Association (NFPA) and developed through a committee analysis process approved by the American National Standards Institute. The NEC is usually published on a three-year cycle and, according to the NFPA, is developed in the interest of life and property protection.

The City first adopted the 1999 version of the NEC, along with amendments, to meet the unique circumstances found in New York City.<sup>2</sup> The 1999 NEC, as amended with the New York City amendments, constituted the new New York City Electrical Code. In 2003, the City adopted the 2002 version of the NEC, along with the New York City modifications, which became effective as of January 1, 2004. In 2006, the City adopted the 2005 version of the NEC, along with the New York City modifications, which became effective as of January 1, 2006. Now, the Council has been asked to adopt the most recent model NEC, namely the 2008 version, along with New York City specific amendments.

Passage of Proposed Int. No. 64-A will continue the process begun with Local Law 64 for the year 2001, then followed by Local Law 41 for the year 2002, Local Law 81 for the year 2003, and Local Law 49 for the year 2006, which will help ensure that the City's Electrical Code is updated regularly and incorporates appropriate advancements in technology. Local Law 64 mandated that whenever the NEC publishes a new edition, usually once every three years, that the Code be reviewed in order to develop any amendments for submission to the Council so as to "upgrade" our Electrical Code on a regular basis. Thus ensuring that future continuous updating of the technical standards should occur.

In 1999, two panels were convened by DOB for the purpose of reviewing the 1999 version of the NEC, developing New York City specific-amendments to the NEC, and reviewing submissions in this regard, namely the Electrical Code Advisory Panel (ECAC) and Electrical Code Revision and Interpretation Committee (ECRIC), noted above. The members of the panels include representatives from DOB, the New York City Fire Department, labor unions, the real estate industry, manufacturers, the design community and technical experts.

The two panels have continued to work and the current bill, Proposed Int. No. 64-A, is the result of recommendations reached by the ECAC and ECRIC through meetings initiated right after the enactment of the last updates to the Code in 2006. The former panel focused on administrative changes to the Code and the latter on technical updates.

##### Proposed Int. No. 64-A

The proposed principal administrative amendments to the Code include: 1) outlining licensees' business requirements; 2) authorizing the suspension of electrical permits without notice in cases of imminent peril to life or property; 3) adopting enforcement provisions of Title 28, including the authority to have the Environmental Control Board adjudicate violations for infractions of the Electrical Code; 4) authorizing the Commissioner of Buildings to impose certain disciplinary actions under certain conditions and 5) granting the Commissioner certain rule making authority.

The main technical amendments to the Electrical Code that are being proposed relate to the transmission of electricity for light, heat, power, signaling, communication, alarm and data transmission include: 1) defining the arrangement of circuit wiring (selective coordination) to prevent or minimize short circuiting and arc-faults; 2) adopting fire alarm system requirements for power and wiring which were previously in the Building Code; 3) requiring that sidewalk shed lighting installations must comply with electrical requirements and take into account outdoor use and other relevant conditions and 4) removing the requirement that solar photovoltaic systems must be approved for use by a nationally recognized testing laboratory and rather requiring that a detailed diagram of such system be available to DOB.

Additionally, this bill proposes that the 2008 NEC, together with these local amendments, are to be known as the Electrical Code Technical Standards (ECTS) and will apply to work performed on and after July 1, 2011; however, through December 31, 2011, electrical work may be performed either in accordance with the ECTS adopted pursuant to section 27-3024 and the New City amendments to such standards enacted by section 27-3025 of the Administrative Code of the City of New York (Ad. Code) enacted by sections 12 and 13, respectively, of this bill or in accordance with the standards set forth in chapter 3 of title 27 of the Ad. Code as in effect prior to July 1, 2011 at the option of the licensed master or special electrician or other authorized person performing such work.

##### Amendments to Int. 64:

- Technical changes were made throughout the bill for the purposes of clarity, to correct references and to revise the organization of text.
- Bill section 4, paragraph 3 of subdivision (c) of section 27-3013, with respect to outstanding fees, was revised to remove reference to "any other city agency." Such amendment removes outstanding fees owed to any other city agency as a factor that the Department may consider in making a determination on a requested change to the name, form or designated responsible representative of a master electrician business.
- Bill section 8, items (viii) and (xiv) of paragraph 1 of subdivision (a) of section 27-3016, were revised, respectively, to removing reference to "indictment" and "other outstanding fines, penalties or fees related to the individual's professional dealings with the city or any other governmental entity" as causes which may lead to the suspension, revocation or deactivation of a master electrician's or special electrician license and the suspension or revocation of the approval of a master electrician business.
- Bill section 8, paragraph 2 of subdivision (a) of section 27-3016, was revised to provide that where the Commissioner suspends a license or the authorization of a master electrician business represented by such license without a prior hearing, the commissioner shall provide the licensee and/or the master electrician business with the opportunity for a hearing within 5 calendar days, as

is currently the case, after such suspension rather than 20 calendar days after suspension.

- Bill section 9, subdivision (a) of section 27-3018, was revised to remove the last sentence which provided that “such person shall also be subject to a civil penalty that may be recovered in a proceeding before the environmental control board.” Such provision related to violations for failure to permit entry for an inspection.
- Bill section 9, subdivision (b) of section 27-3018, was revised to remove reference to “unless otherwise prescribed by department rule” thereby maintaining the term of a permit as three years.
- Bill section 9, subdivision (c) of section 27-3018, was revised to retain the existing permit fee structure in the Code rather than to allow the Department rulemaking authority on such fees. This section was also amended to provide that the balance of the applicable fee shall be payable at electrical sign-off from the Department or as otherwise provided by Department rules.
- Bill section 9, subdivision (f) of section 27-3018, was revised to retain the existing “special fees” structure in the Code rather than to allow the Department rulemaking authority on such fees.
- Bill section 9, subdivision (l) of section 27-3018, was amended to allow “selective coordination” documentation to be submitted to the Department at sign-off rather than requiring such documentation at the time of the permit application.
- Bill section 11, section 27-3021.2, was revised to clarify that, in addition to a person a “business” can be subject to violations of the Code.
- Bill section 13, Article 110, section 110.2(b), was amended to add “electrical wiring of assembled photovoltaic arrays” to the list of electrical work requiring a permit.
- Bill section 13, Article 770, section 770.113, which provided that “optical fiber cables mounted on exterior surfaces shall be installed in threaded metal raceways” was removed.
- Bill section 13, Article 800, sections 800.110 and 800.113 were removed. Additionally, section 800.133 was amended to remove the following provisions “installation of communication wires, cables and equipment. Communication wires and cables from the protector to the equipment, where no protector is required, communications wires and cable on the outside of building shall be installed in threaded metallic raceways.”
- Bill section 13, Article 820, was amended to include a new section 820.154(A) which revises the title to read as follows: “(A) Spaces Used for Environmental Air.”
- Bill section 14, paragraph (a) which contains the enactment clause was amended to provide that this local law would take effect on July 1, 2011, except that the provisions of subdivision (j) of section 27-3018 (which relates to meters) and section 27-3021.2 (which relates to violations of the Electrical Code) will take effect on March 1, 2012, rather than taking effect on July 1, 2010. Additionally, paragraph (b), which relates to the phase-in period, was amended to provide that such period would be from July 1, 2011 through December 31, 2011 rather than July 1 through December 31 of 2010.

Update

On Tuesday, June 14, 2011 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup>Virtually unchanged since 1968, the Electrical Code of the City of New York (Administrative Code §27-3001 *et seq.*, also known as the Electrical Code) was in need of significant revision. Those who worked with the City’s old Electrical Code on a regular basis had complained that the Code was outdated, lacked proper indexing and had become difficult to work with, particularly in comparison to the National Fire Protection Association’s NFPA 70, National Electrical Code (NEC), the recognized standard in the industry. Consequently, the Department of Buildings (DOB), began in 1991 to meet with electricians, real estate developers and others in the building and construction industry to develop a new Electrical Code that was easier to reference and use than the Code at that time.

<sup>2</sup> Local Law 64 of 2001 and Local Law 41 of 2002.

**(The following is the text of the Fiscal Impact Statement for Int. No. 64-A:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT  
  
PROPOSED INT. No. 64-A  
  
COMMITTEE: Housing and Buildings

**TITLE A** Local Law to amend the administrative code of the city of New York, in relation to the electrical code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025. **SPONSORS:** By Council Members Dilan, Gonzalez Koo and Ulrich (by request of the Mayor).

**SUMMARY OF LEGISLATION:** As required by Local Law number 64 for the year 2001 Int. No. 64-A would update the current Electrical Code by adopting the 2008 version of the National Electrical Code (NEC) and making several technical and administrative amendments to the Electrical Code. Specifically this bill would add administrative and technical amendments to the Electrical Code which include the following: 1) outlining licensees’ business requirements; 2) authorizing the suspension of electrical permits without notice in cases of imminent peril to life or property; 3) adopting enforcement provisions of Title 28, including the authority to have the Environmental Control Board adjudicate violations for infractions of the Electrical Code; 4) authorizing the Commissioner of Buildings to impose certain disciplinary actions under certain conditions and 5) granting the Commissioner certain rule making authority.

The main technical amendments to the Electrical Code relate to the transmission of electricity for light, heat, power, signaling, communication, alarm and data transmission include: 1) defining the arrangement of circuit wiring (selective coordination) to prevent or minimize short circuiting and arc-faults; 2) adopting fire alarm system requirements for power and wiring which were previously in the Building Code; 3) requiring that sidewalk shed lighting installations must comply with electrical requirements and take into account outdoor use and other relevant conditions and 4) requiring a detailed diagram of solar photovoltaic systems to be available to the Department of Buildings rather than to be approved for use by a nationally recognized testing laboratory.

**EFFECTIVE DATE:** This bill would apply to work performed on and after July 1, 2011; however, through December 31, 2011, electrical work may be performed either in accordance with the old Code or in accordance with the standards set forth in the new Code at the option of the authorized person performing such work.

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** There would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures as a result of this legislation. Although this legislation may result in costs savings of electrical work due to the use of new technology, Proposed Int. No. 64-A represents updates the previously adopted NEC standards as opposed to a comprehensive overhaul of the Electrical Code, thereby making any savings or costs to the City too small to have an impact on expenditures.

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

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

**ESTIMATE PREPARED BY:** Anthony Brito, Senior Legislative Financial Analyst  
Latonia McKinney, Deputy Director  
City Council Finance Division

**HISTORY:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 64 on March 3, 2010. Hearing held by Committee on September 21, 2010, and the bill was laid over. An amendment has been proposed, and this legislation will be voted by Committee on June 14, 2011 as Proposed Int. No. 64-A.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 64-A:)**

Int. No. 64-A

By Council Members Dilan, Gonzalez, Gennaro, Weprin, Jackson, Koo and Ulrich (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the electrical code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-3004 of the administrative code of the city of New York is amended by adding new definitions in alphabetical order to read as follows:

*CITY AGENCY:* A city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a

corporation, institution or agency of government, the expenses of which are paid, in whole or in part, from the city treasury.

**DIRECT EMPLOY:** Direct employment shall be evidenced by payroll records, such as social security payments, income tax withholding or the disbursement of other funds as required by law for the benefit of such employee, timekeeping records, such as time cards and sign-in sheets, work orders, and assignment or route logs.

**DIRECT SUPERVISION:** Control exercised by a licensed individual, either personally or through one or more demonstrated levels of competent supervision over individuals (i) in the direct employ of a master electrician's business or (ii) in the direct employ of an individual, partnership, corporation or city agency employing a special electrician. Direct supervision includes field inspection, supervision of job sites, and the maintenance of records of such supervision and such other records required by the commissioner.

§2. Paragraph two of subdivision a of section 27-3008 of the administrative code of the city of New York, as amended by local law number 64 for the year 2001, is amended to read as follows:

2. Installations, including associated lighting, under the exclusive control and use of electric utilities for the purpose of communications, metering, generation, control transformation, transmission or distribution of electric energy. Such installations shall be located in buildings used exclusively by utilities for such purpose, in buildings in enclosures containing only metering equipment, outdoors on property owned or leased by the utility, on public highways, streets or roads or outdoors on private property by established rights such as easements, or

§3. Section 27-3010 of the administrative code of the city of New York, subdivisions a and c as amended by local law number 81 for the year 2003, subdivision b as added by local law number 64 of 2001, and subdivision d as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3010 [Qualifications] *Qualification and Examination of applicants for master electrician's and special electrician's licenses.* a. *Qualification of Applicant.* An applicant for a license as a master electrician or special electrician must be over the age of twenty-one years, of good moral character and, at the time of applying for examination, shall have had, during the ten (10) years immediately preceding his or her application, at least seven and one-half (7½) years or the equivalent as indicated below and during such time a minimum of ten thousand five hundred (10,500) hours or the equivalent as indicated below of satisfactory experience in the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities. Except as otherwise provided below, such satisfactory experience must have been obtained while under the direct supervision of a licensed master electrician or special electrician or, with respect to experience outside the city, under the direct supervision of an individual with comparable qualifications as determined by the commissioner, and while in the employ of (i) a master electrician business as defined herein, or (ii) an individual, a partnership or a corporation owning, leasing or managing a building, buildings or parts thereof and employing a special electrician to perform electrical work in or on specific buildings, lots or parts thereof owned, leased or managed by such individual, corporation or partnership, or (iii) an individual, a partnership or a corporation deemed acceptable by the commissioner. No more than twenty-five percent (25%) of such satisfactory experience shall have been gained while working outside the United States unless the commissioner determines that the licensing system and electrical code of the foreign jurisdiction is essentially similar to licensing systems and electrical codes in the United States. The following shall be deemed to fulfill the satisfactory experience requirement:

1. A journeyman electrician who has worked at least seven and one-half (7½) years and during such time a minimum of ten thousand five hundred (10,500) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power in or on buildings or comparable facilities, or

2. A graduate of a college or university who holds a degree in electrical engineering, either a master of science (M.S.) or bachelor of science (B.S.) and has in addition worked at least (i) with respect to an applicant with an M.S. degree, two and one-half (2½) years and during such time a minimum of thirty-five hundred (3500) hours of such experience or, (ii) with respect to an applicant with a B.S. degree, three and one-half (3½) years and during such time a minimum of forty-nine hundred (4900) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities, or

3. A graduate of a vocational, industrial, trade school, or apprenticeship program[,] registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity, who has worked at least five and one-half (5½) years and during such time a minimum of seventy-seven hundred (7700) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities, or

4. Any person who attended courses in a college or university leading to a degree in electrical engineering, mechanical engineering, bachelor of science in electrical engineering or mechanical engineering, who passed all subjects in the required courses shall be credited with satisfactory experience equal to fifty per cent (50%) of the number of curricula years he or she has satisfactorily completed which, in no event, however, shall exceed two and one-half (2½) years credit of satisfactory experience, the balance of the required seven and one-half (7½) years, i.e., five (5) years and during such time a minimum of seven thousand (7000) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and apparatus for light, heat and power in or on buildings or comparable facilities, or

5. Any person who attended courses in a vocational, industrial or trade school, registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity who has passed all subjects in the required courses shall be credited with fifty per cent (50%) of the number of curricula years that he or she has satisfactorily completed which, however, in no event, shall exceed two (2) years credit of such experience, the balance of the required seven and one-half (7½) years, i.e., five and one-half (5½) years of such experience and during such time a minimum of [seven thousand]seventy-seven hundred ([7000]7700) hours must have been obtained by working with his or her tools on the installation and repair of wiring for electric light, heat and power in or on buildings or comparable facilities, or

6. An employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the electrical code and the electrical code technical standards and/or other laws relating to the installation, alteration or repair of electrical wiring or appliances shall be credited with fifty percent (50%) of the number of years that he or she has been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed two and one-half (2½) years credit of satisfactory experience. The balance of the required seven and one-half (7½) years, i.e., five (5) years and during such time a minimum of seven thousand (7000) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities except that the requirement of subdivision a of this section that an applicant's working experience must have been within the ten (10) year period prior to application shall not apply to such balance of five (5) years working experience required pursuant to this paragraph.

b. *Examination of Applicant.*

1. Every application for a master electrician's or special electrician's license shall be made in writing in such form and shall furnish such information as the commissioner may, from time to time, prescribe, and set forth in the rules of the department. *It is a condition of the license that information in the application be kept correct and current. Any change in required information that occurs prior to the issuance of the license shall be reported to the department within fourteen days of the change.*

[c]2. Every applicant shall be required to take an examination in accordance with the rules of the department. However, where the application is on behalf of a city agency, the commissioner may waive the examination requirement if the applicant has sufficient experience qualifications of a type and duration comparable to those set forth in subdivision a of this section as determined by the commissioner.

[d]3. Every applicant shall submit to such investigation by the license board as may be proper to determine the applicant's character and fitness. Every applicant shall commence the application process with the department within one year of passing the examination for licensure and shall furnish to the department a completed application within one year of submission of the first filing. Failure to provide all requested documents in a timely manner will constitute an incomplete application and may result in denial of the license.

4. *Every applicant shall be required to submit such documentation as is required to establish a place of business within ninety days after the license board's recommendation that the applicant has the required character and fitness for licensure. Where all requested documents are not provided in a timely manner an application will be deemed incomplete and may result in the denial of the license.*

§4. The title of section 27-3013 and subdivision a of section 27-3013 of the administrative code of the city of New York, subdivision a as amended by local law number 49 for the year 2006, are amended to read as follows:

§27-3013 Business establishments[,] and master electricians[ and special electricians]. a. [Master electrician] *Place of Business, generally.*

1. Every master electrician business shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the public and the department by mail, telephone or other modes of communication, located in a business zone in conformity with the zoning regulations and kept open during the usual business hours unless other means acceptable to the commissioner is provided.

2. At such place of business, there shall at all times be prominently displayed a permanent sign of a minimum size of one hundred fifty square inches, stating the name of such license holder, the license number of such licensee, and the words "licensed electrician" or "licensed electrical contractor" on a plate glass window and the name of the master electrician business if different than the name of the license holder; or an outside sign of permanent construction fastened and readily visible to pedestrians; or if such place of business be an office, commercial or industrial building, the names shall be indicated on the entrance door of the particular portion of the premises or on a bulletin board on the main floor.

3. *All business vehicles, advertising, websites and stationery used in connection with electrical work required to be performed under a license issued to a master electrician shall display prominently the words "N.Y.C. Licensed Electrician", the license number of the responsible representative of such business and of all other master electricians associated with such business, the authorization number of the master electrician business and the business address. If the business is conducted under a trade name, or is a partnership or corporation, the trade name, partnership, or corporate name shall contain the root word "electric" and be displayed prominently.*

[1]4. The applicant for approval of a master electrician business under a license issued to a master electrician shall have filed with the commissioner, in such form as the commissioner may direct, proof that such applicant carries all insurance required by law including, but not limited to, workers' compensation, disability and

one million dollars of general liability insurance listing the department as certificate holder, and that the applicant business is financially responsible. Each policy of insurance shall contain a provision of continuing liability notwithstanding any recovery under such policy.

5. The applicant shall indicate the name and license number of the master electrician who shall serve as the responsible representative of such business, and, if the business is a partnership or corporation, the names of all other master electricians associated with such business. Upon approval of such application the commissioner shall issue an authorization number to the business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.

[2]6. The office or other place where the master electrician business is to be conducted may be shared by one or more master electrician businesses. However, each business whether in the form of a sole proprietorship, partnership or corporation, shall distinguish its identity from any other business sharing the same office space. Such distinctions shall be maintained in a manner satisfactory to the department.

*b. Business Conduct*

[3]1. A master electrician business shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots in the city.

[4]2. In the case of a partnership or corporation, a master electrician's license may be separately held by more than one partner or officer as a representative of such partnership or corporation; however, only one master electrician shall be the responsible representative of such corporation or partnership. Under no circumstances shall any one licensee represent more than one business at any one time.

[5]3. A master electrician representing a master electrician business shall, during the hours the business is engaged in the performance of electrical work, devote his or her full time to the operation of such business.

[6]4. [The holder of a master electrician's license shall be issued a seal, of a design or form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed master electrician."] (i) Applications for permits and any other document that the commissioner may require to be filed with the department, shall bear the stamp of the *master electrician's* seal as well as the signature of the responsible representative of the master electrician business or, if the business is a partnership or corporation, such document may bear the stamp of the seal and the signature of a master electrician who files on behalf of such business acting pursuant to a written delegation, filed with the department, from the responsible representative of such business. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

(ii) The responsible representative of a business may not delegate such authority to a master electrician who is not an officer of such corporation or a partner of such partnership. Such person shall personally sign applications for permits. The responsible representative of a business shall have the authority to make final determinations and shall have full responsibility for the manner in which the work is done, except that where work is done under a permit issued pursuant to an application bearing the signature and seal of a master electrician acting pursuant to a written delegation from the responsible representative of such business, both the responsible representative of such business and the master electrician who signed and affixed his or her seal to the application for such permit shall be jointly and severally responsible for the manner in which the work is done.

[7].c. *Changes to Business.*

1. The holder of a master electrician's license shall report in writing to the license board any change in the place of business within *thirty* (30) days of the change. If such change occurs prior to issuance of the license, an applicant shall report the change to the license board within fourteen (14) days of the change.

[8]2. The approval of a master electrician business is valid only as long as the responsible representative identified on the application for approval of the master electrician business actively participates in the actual operation of the business. In the event a responsible representative leaves a master electrician business, both the representative and the business must notify the license board within thirty (30) days of the change.

(i) A corporation or partnership must notify the license board of the death of a responsible representative within thirty (30) days after such death. Failure to do so shall be deemed sufficient cause for suspending or revoking the approval to do business of the master electrician business or the license of the master electrician. The decedent licensee's legal representative may, with the commissioner's consent, retain the licensee's license and seal for the purpose of completing all unfinished work of such licensee for which plans have been approved and permits issued, provided that such work is performed by or under the direct supervision of a licensed electrician.

(ii) Except as otherwise provided by rule, a master electrician business whether in the form of a corporation, a partnership or a sole proprietorship, may continue to engage in the business of performing electrical work only so long as the responsible representative of such business identified on the application for approval of the master electrician business remains an officer of such corporation, a partner of such partnership or the proprietor of such sole proprietorship unless the department approves a change in the responsible representative as provided in this section. The commissioner may promulgate rules providing for the continuation of a master electrician business pending the approval of a new responsible representative.

(iii) Except as otherwise provided in such rules, the revocation, suspension, [voluntary surrender]*license deactivation* or non-renewal of the master electrician's license of the responsible representative of a master electrician business

automatically revokes its approval to do business and cancels any delegation of authority given by such responsible representative to another master electrician associated with such business pending the approval by the department of a new responsible representative.

[9]3. Except as otherwise provided by rule, a master electrician business shall not change its name, form or designate a new responsible representative without the prior approval of the license board. Approval of an application for a change is conditional upon the following: [Filing] *filing* the necessary forms, payment of the prescribed fee and full payment of all fees incurred with respect to such business prior to the date of the change. Except as otherwise provided by rule, a [master electrician may] *requested change shall* not be approved [as the responsible representative of a master electrician business] if there are any outstanding fees *related to the licensee's or master electrician business's professional dealings* due and owing to the department or outstanding violation notices attributable to [him or her as responsible representative of another] *the licensee or the master electrician business*.

[10]4. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time.

[11]5. The holder of a master electrician's license, upon entering employment as a special electrician, shall [surrender]*deactivate* his or her master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings, or parts thereof, for which he or she will be employed.

[12. All business vehicles, advertising, websites and stationery used in connection with electrical work required to be performed under a license issued to a master electrician shall display prominently in a manner provided by rule the words "N.Y.C. Licensed Electrician", the license number of the responsible representative of such business and of all other master electricians associated with such business, the authorization number of the master electrician business and the business address. If the business is conducted under a trade name, or is a partnership or corporation, the trade name, partnership, or corporate name shall be displayed prominently in a manner provided by rule.]

[13]6. Nothing in this chapter shall be construed to prevent two or more master electrician businesses from entering into a joint venture of limited duration for a particular project in accordance with the rules of the department. An application for a permit involving a joint venture shall so indicate on the application and shall identify all of the master electrician businesses that are parties to such joint venture by name and authorization number and the names and license numbers of the responsible representatives of such businesses. The application shall be signed by the responsible representative of one of the parties to the joint venture on behalf of all such parties and all of such parties shall be jointly and severally liable for any fees due with respect to electrical work performed by such joint venture and for violations of this chapter and the rules of the department arising out of such work.

§5. Subdivision b of section 27-3013 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is renumbered as [Section] *section 27-3013.1* and amended to read as follows:

[b. Special electrician's license.]§27-3013.1 *Business establishments and special electricians. a. Place of Business, generally.*

1. A special electrician shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the department by mail, telephone or other modes of communication. His or her license shall plainly indicate the address or addresses of the building, buildings or parts thereof for which such license is issued.

2. The commissioner may issue more than one special license for a building or buildings if, in the commissioner's judgment, he or she deems it necessary for the proper operation and maintenance of the electric wiring and equipment of the building or buildings involved.

*b. Insurance. An applicant for approval as a special electrician shall have filed with the commissioner, in such form as the commissioner may direct, proof that such applicant's employer carries all insurance required by law including, but not limited to, workers' compensation, disability and one million dollars of general liability insurance listing the department as certificate holder. Each policy of insurance shall contain a provision of continuing liability notwithstanding any recovery under such policy.*

*c. Conduct. 1. A special electrician shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots so authorized under the license.*

[3]2. The holder of a special electrician's license shall report in writing any change in employment to the license board within thirty days of the change. If such change occurs prior to issuance of the license, an applicant shall report the change to the license board within fourteen days of the change.

[4]3. [The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed special electrician."] Applications for permits and any other document that the commissioner may require to be filed with the department, shall bear the stamp of the *special electrician's* seal as well as the signature of a person holding such license. Such person shall personally sign applications for permits and shall have the authority to make final determinations and full responsibility for the manner in which the work is done. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§6. Section 27-3014 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3014 Master electrician's and special electrician's licenses and fees. a. Before any master electrician's or special electrician's license will be issued or

renewed, the applicant shall pay a license or renewal fee as prescribed by the department's rules. The commissioner may exempt any agency, as defined in chapter fifty-two of the charter, from paying the aforementioned fees for licensed special electricians who are employees of such agencies.

*b. Seal. The holder of a master electrician's license shall be issued a seal, of a design or form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed master electrician." The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed special electrician."*

[b]c. No license shall be transferable. The seal is the property of the department and is not transferable by the licensee.

*d. The loss or theft of a license or seal must be reported to the department within five calendar days. Before any license or seal will be reissued, the applicant shall pay a reissuance fee as prescribed by the department's rules.*

[c]e. An application for a change of license from master electrician to special electrician shall involve the issuance of a new license and seal with or without examinations as the commissioner may direct.

[d]f. An application for a change of license from special to master electrician shall be granted only upon compliance by the special electrician with all applicable provisions of this chapter and the rules of the department.

[e]g. Each license and seal shall be issued for one year and the full fee shall be payable irrespective of the date of issue.

[f]h. Not more than one license and/or seal shall be issued to an individual and no individual shall make or cause to be made a duplicate of such license or seal.

§7. Subdivision a of section 27-3015 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

a. Any license and seal issued hereunder shall expire one year from the year of issuance on the licensee's date of birth for that year irrespective of the date of issue. Such license may be renewed every year thereafter without examination, provided application for such renewal, accompanied by the renewal fees prescribed above and such information as may be required by the commissioner to ensure compliance with section 27-3016 of this chapter and evidence of insurance coverage in compliance with section 27-3013 of this chapter, shall have been filed prior to the expiration of the existing license.

1. Where an applicant can show good and sufficient cause for his or her inability to renew his or her license and seal before its expiration, the commissioner may, upon submission of a complete application for late renewal within ninety (90) days after the expiration of such license, permit the issuance, without examination, of a new license and seal upon payment of the prescribed fees for such new license and seal within said ninety days. *The commissioner may promulgate rules authorizing the renewal of a license up to six months after the expiration of such license for extenuating circumstances.*

2. No license shall be renewed and no new license and seal shall be issued unless all outstanding fees required by section 27-3018 of this code have been paid.

3. Renewal shall also be subject to the licensee's good moral character. As provided in department rule, the licensee's failure to clear open violations in a timely manner may result in the refusal to renew a license until the violations are **Resolved**.

4. The commissioner may promulgate rules requiring applicants for the renewal of master or special electrician's licenses to submit proof, in such form as he or she shall determine, that, in each year of the license term, such applicant completed at least [ten] *eight* hours of continuing education courses approved by the department. Such proof shall be submitted [not less than two months prior to the expiration of the license term] *with the license renewal application*.

§8. Section 27-3016 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3016 Suspension, revocation or [voluntary surrender]*deactivation* of master electrician's and special electrician's licenses and suspension or revocation of approval of master electrician business. a. 1. After notice and the opportunity for a hearing in accordance with the rules of the department, master electrician's or special electrician's licenses and/or approvals of master electrician businesses may be suspended or revoked by the commissioner *and/or* the commissioner may impose penalties, which shall not exceed five thousand dollars for each violation, for violation of this chapter or of any of the rules of the department [and, among other things] *and/or the commissioner may order the licensee to cause the repair of electrical damage, and any damage incidental thereto, resulting from any act or omission giving rise to a violation as set forth in this chapter or in rules*, for any of the following[causes]:

(i) Failure to file an application for a permit or inspection.

(ii) Failure, upon receipt of a notice of violation, to take the action called for in such notice.

(iii) Performance of electrical work in a manner contrary to the requirements of the electrical code, [or]the electrical code technical standards *or other applicable laws and rules enforced by the department*.

(iv) *Negligence, incompetence, lack of knowledge, or disregard of the code and related laws and rules.*

(v) *Engaging or assisting in any act that endangers the public safety and welfare.*

[(iv)](vi) Contract work by holders of special electrician's licenses.

[(v)](vii) Fraudulent dealing or misrepresentation.

[(vi)] Subject to applicable provisions of the correction law, conviction of a crime by a court of competent jurisdiction.]

(viii) *Conviction of a criminal offense where the underlying act arises out of the individual's professional dealings with the city or any other governmental entity.*

[(vii)](ix) False statement in an application for a license or the renewal of a license or in an application for approval of a master electrician business or other application or certification required by this code or the rules of the commissioner, or in any proof or instrument in writing in connection therewith.

(x) *The making of a material false or misleading statement on any form or report filed with the department or other governmental entity.*

(xi) *The failure to file a statement, report or form required by law to be filed.*

(xii) *Willfully impeding or obstructing the filing of a statement, report or form of another required by law to be filed.*

(xiii) *Poor moral character that adversely reflects on the licensee's fitness to conduct work regulated by this code.*

[(viii)](xiv) Failure to pay outstanding fees owed pursuant to section 27-3018 of this chapter.

(xv) *Failure to comply with this code or any order, rule, or requirement lawfully made by the commissioner including failure to cooperate with investigations related to the electrical field conducted by the commissioner or other government entity.*

(xvi) *Failure to provide documents, including payroll records, workers' compensation or other insurance documents, employee timekeeping records and corporate tax returns, required or requested by the commissioner.*

2. Notwithstanding any inconsistent provision of paragraph one of this subdivision if, after due inspection, the commissioner determines that a licensee and/or a master electrician business has performed electrical work which is not in compliance with the electrical code, [or] the electrical code technical standards, *or any other laws or rules enforced by the department*, and which has resulted in a condition severely hazardous to life or property, the commissioner may suspend his or her license and/or the authorization of a master electrician business represented by such licensee without a prior hearing. Notice of such suspension shall be served on the licensee and/or the master electrician business. The commissioner shall provide the licensee and/or the master electrician business with the opportunity for a hearing within five (5) *calendar* days after such suspension.

b. In the event the holder of a master electrician's license is no longer engaged in a master electrician business or a special electrician is engaged during normal working hours in a business activity that does not involve the installation, alteration, or repair of electrical wiring for light, heat or power, then he or she shall so notify the department and submit his or her license and seal for [voluntary surrender with the provision]*deactivation provided* that (i) such license and seal will be [restored]*reinstated* without [fee or] examination if such application is made prior to the date on which it would have otherwise expired, or (ii) if application is made after such date a new license and seal will be issued, without written re-examination, after the submission of satisfactory evidence [that the applicant has been engaged in the electrical field] *of continued competence in the electrical field and satisfaction of any applicable continuing education requirements* during the period of [surrender]*deactivation*; provided that at the time of the submission of the license for [voluntary surrender]*deactivation*:

1. All outstanding fees required by section 27-3018 of this chapter are paid, and

2. There are no outstanding violation notices for electrical work performed under such license, and

3. Open applications filed under such license have been scheduled for inspection in accordance with department procedures, re-filed by another licensee or have been withdrawn.

*c. During the period of deactivation, the licensee must continue to pay the license renewal fee required by this chapter for each year of the deactivation period.*

[c]d. During any period of [voluntary surrender]*deactivation*, or upon the suspension or revocation, of a master electrician's or special electrician's license, the holder shall surrender his or her seal to the department. Upon the death of a holder, his or her seal shall be immediately surrendered to the department.

*e. The fees required for the reinstatement of a license after deactivation or suspension shall be the same as those required to obtain the license.*

*f. If reinstatement of the license is not requested within thirty days of the expiration of a suspension, late fees shall be imposed as prescribed by the department's rules.*

§9. Section 27-3018 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3018 Inspection; application for permit and application fees. a. The commissioner or any officer or employee of the department authorized thereto by the commissioner, or any other person designated by the commissioner pursuant to section 27-3005 of this code, may enter or go upon any premises in or upon which there are any wiring or appliances for electric light, heat or power to make an inspection of the same. Any person who willfully refuses to permit such entry or inspection, shall be guilty of a violation of this subdivision, and upon conviction thereof, shall be punished by a fine of not more than [fifty]one hundred dollars, imprisonment for a period not exceeding thirty days, or both.

b. Before commencing any electrical work, other than low voltage electrical work, a master electrician business or special electrician shall file with the commissioner an application for a work permit to be issued by the department. *All applications for permits shall be submitted on forms furnished by the department. Applications shall include all information required by this code, other applicable law, including but not limited to the applicable energy conservation code, or the rules of the department.* No such work shall be performed until the commissioner

has reviewed and approved such application and issued an appropriate permit for such work. The permit shall be conspicuously posted at the work site at all times while the work is in progress. Each permit shall be issued with an expiration date of three years.

1. Permits shall be deemed to incorporate the provisions that the applicant, the owner, and their employees, shall carry out the permitted work in accordance with the provisions of this code and other applicable laws or rules, whether specified or not, except as variations have been legally permitted or authorized.

2. All work shall conform to the approved submittal documents and any approved amendments thereto. Changes and revisions during the course of work shall conform to the requirements of this code.

3. The permit shall expire by operation of law if the insurance required pursuant to section 27-3013 of this chapter, and upon which the permit was conditioned, lapses, expires or is cancelled, unless the permit holder files proof of valid insurance before such event.

c. Fees. The fee for a permit for minor electrical work as described in subdivision h of this section shall be fifteen dollars, payable upon filing of the application.

[d.] 1. [The]An initial application fee for electrical work requiring a permit shall be payable as follows: forty dollars upon filing of the application for such work [and the balance of the total fee upon an electrical sign-off from the department].

2. The balance of the application fee shall be payable at electrical sign-off from the department or as otherwise provided by the department's rules.

[2]3. The fee for electrical work requiring a work permit by the department shall be computed as follows but shall not exceed five thousand dollars:

(i) Each outlet, each fixture, each horsepower or fraction thereof of a motor or generator, each kilowatt or fraction thereof of a heater, each horsepower or fraction thereof of an air conditioner, each kilovolt-ampere or fraction thereof of a transformer installed, altered or repaired shall be assigned the value of one unit. In computing the aforementioned fee, the sum of the units will determine the charges as set forth herein below:

*Sum of units Fee*

1 - 10 \$0.00

Over 10 \$0.25 per unit

(ii) For each service switch installed, altered or repaired:

0-100 Amperes \$ 8.00

101-200 Amperes \$30.00

201-600 Amperes \$105.00

601-1200 Amperes \$225.00

Over 1200 Amperes \$375.00

(iii) For each set of service entrance cables and for each set of feeder conductors installed, altered or repaired:

Up to #2 Conductors. \$15.00

Over #2 to #1/0 Conductors \$30.00

Over #1/0 to 250 MCM \$45.00

Over 250 MCM \$75.00

(iv) For each panel installed, altered or repaired:

1 Phase up to 20-1 or 10-2 pole cutouts or breakers \$15.00

1 Phase over 20-1 or 10-2 pole cutouts or breakers \$37.50

3 Phase up to 225 amperes \$50.00

3 Phase over 225 amperes \$75.00

(v) (a) For each sign manufactured (in-shop inspections): \$40.00

(b) For each sign manufactured (on-site inspections):

0 to 30 square feet \$65.00

31 to 60 square feet \$90.00

Over 60 square feet \$115.00

(vi) For each elevator:

10 floors or less \$125.00

Each additional ten or fewer floors \$ 83.00

(vii) For wiring or rewiring boiler controls in buildings: \$12.00

[3.] d. If, after inspection, such wiring or appliances shall be found to have been installed, altered or repaired in conformity with the requirements of this chapter, the electrical code, the electrical code technical standards and the rules of the department, and the required fees paid, the commissioner shall issue to the applicant a sign-off of the approved work completed. The provisions of this subdivision shall not apply to work performed pursuant to a permit for minor electrical work as defined in subdivision h of this section.

e. Whenever a master electrician business or special electrician files an application for a permit covering electrical work installed by an unlicensed or unauthorized person, it shall be his or her duty to specify such fact upon the application.

f. The commissioner shall be entitled to charge the following special fees:

1. For an application with respect to electrical work made after a violation was issued for failure to file an application for a permit for such work - up to ten times the total fee that would otherwise be payable as set forth in subdivisions c and d of this section.

2. Duplicate copy of notice of violation - \$5.00.

g. No application or fees shall be required for electrical work relating to the construction and maintenance of city street lights and city traffic lights owned, operated or controlled by the city government or any agency thereof.

h. 1. For purposes of this section a permit for minor electrical work may be issued for any of the following:

(i) replacement of defective circuit breakers or switches rated thirty amperes or less, excluding main service disconnects;

(ii) replacement of parts in electrical panels where voltage does not exceed one hundred fifty volts to ground;

(iii) replacement of minor elevator parts as defined by rule;

(iv) replacement of defective controls rated at thirty amperes or less;

(v) repair of defective fixtures;

(vi) replacement of fixtures in existing outlets, provided the number of such fixtures does not exceed five and does not increase existing wattage;

(vii) replacement, repair, disconnection or reconnection of motors not to exceed one horsepower, and associated devices;

(viii) repairs to low pressure heating plants with a capacity of less than fifteen pounds per square inch, except as may otherwise be required by rule of the commissioner.

[(i)](ix) installation of any ten or fewer units not requiring the installation of an additional branch circuit;

[(j)](x) installation of motors of fractional horsepower;

[(k)](xi) installation of transformers rated at one thousand volt amperes or less.

2. Notwithstanding any other provision of this chapter, an electrical sign-off by the department shall not be required for electrical work performed pursuant to a permit for minor electrical work.

3. Notwithstanding any other provision of this chapter, the commissioner may promulgate a rule providing that minor electrical work may be performed without a permit or the payment of a fee under the conditions to be prescribed in such rule.

i. The department shall not issue a permit or, if applicable, an electrical sign-off pursuant to an application that involves the energizing of a meter in a one-, two-, three-, or four-family residence, if the department finds that such action will cause the total number of meters for the building to exceed the number of dwelling units specified for such building in the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, except as permitted herein. A building specified as a one-family residence in the certificate of occupancy or, if there is no certificate of occupancy, as determined by the department, may have only one electric meter. A building in which two or more dwelling units have been constructed in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, may have one meter for each dwelling unit and one additional meter for the common areas of the building, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting, and outdoor perimeter lighting but shall not include any habitable space. In the event that a meter has been found to have been installed or to exist in violation of this section, the department may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 27-3020 of this [code] chapter.

j. Any application for a permit filed with the department in relation to a request for the authorization to power or energize/electrical wiring or appliances or power generation equipment, or in relation to work that will result in the issuance of a new or amended certificate of occupancy must include a statement, signed and sealed by the electrician, that the building owner or his or her authorized representative has authorized in writing the work to be performed. This signed authorization must be available upon request by the department. In addition, any electrical application filed with the department involving the energizing of a meter, must include as well, a statement, signed and sealed by the electrician, that the building owner or his or her authorized representative has indicating in writing the intended use or purpose of such meter and has affirmed that such meter will be maintained in compliance with the provisions of this section. This statement must be available upon request by the department. [Any individual who knowingly misrepresents the use of a meter or allows a meter to be used in violation of the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment of not more than six months or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not more than five thousand dollars which may be recovered by the corporation counsel in an action or proceeding in any court of competent jurisdiction.]

k. Any authorization to power or energize electrical wiring or appliances issued by the department shall expire ninety days after the date of issuance unless a sign-off has been issued by the department or an extension of such authorization has been granted by the department. In the event no such sign-off has been issued or extension authorization granted, the department may take action leading to the disconnecting of such meter(s) in accordance with the notice requirements set forth in section 27-3020 of this [code]chapter.

l. Any permit application filed with the department that requires the selective coordination of overcurrent protective devices must include documentation from a professional engineer demonstrating how selective coordination was achieved, including but not limited to short circuit overlay curves and calculations. Such documentation shall be submitted to the department prior to sign off.

m. For permit applications requiring compliance with the applicable energy conservation code, documentation demonstrating compliance must be available upon request by the department.

[l]n. The provisions of this section shall not apply to low voltage electrical work.

[1]o. An application for a work permit may be amended by filing with the department a post-approval amendment in a form prescribed by rule of the department.

§10. Section 27-3019 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3019 Modification, suspension or revocation, electrical sign-off, permit or other authorization. *a.* The commissioner may at any time by an order in writing for good cause shown, modify, suspend or revoke any sign-off, permit or other authorization issued pursuant to this chapter[, but no such order shall be effective unless the same shall state specifically the reason therefor.] *for failure to comply with the provisions of this code or other applicable laws or rules; or whenever there has been any false statement or any misrepresentation as to a material fact in the application or submittal documents upon the basis of which such approval was issued; or whenever a permit has been issued in error and conditions are such that the permit should not have been issued. Such notice shall inform the permit holder of the reasons for the proposed action and that the permit holder has the right to present to the commissioner or his or her representative within ten business days of delivery of the notice by hand or fifteen calendar days of the posting of notice by mail, information as to why the permit should not be modified, suspended or revoked.* A copy of any such order shall be served in the manner provided in this subchapter[, within five days after its date, upon any person, partnership or corporation affected thereby, who has not applied to the commissioner for such modification, suspension or revocation]. No person other than the commissioner or an officer or employee of the department, duly authorized thereto by the commissioner, shall alter or amend any sign-off, permit or other authorization issued pursuant to this chapter or the rules of the department.

*b. Immediate suspension in cases of imminent peril. The commissioner may immediately suspend any permit without prior notice to the permit holder when the commissioner has determined that an imminent peril to life or property exists. The commissioner shall immediately notify the permit holder that the permit has been suspended and the reasons therefore, that it is proposed to be revoked, and that the permit holder has the right to present to the commissioner or his or her representative within ten business days of delivery of the notice by hand or fifteen calendar days of the posting of notice by mail information as to why the permit should not be revoked.*

§11. Section 27-3021.2 of the administrative code of the city of New York, as amended by local law number 64 for the year 2001, is amended to read as follows:

§27-3021.2. Violations. Except as otherwise provided in this chapter, any person *or business* who shall violate any of the provisions of this chapter or who shall fail to comply with any requirement thereof or with the electrical code technical standards or who shall violate or fail to comply with any order or rule of the commissioner made thereunder shall, for each and every violation or noncompliance be [liable for] *subject to penalties* [a civil penalty of not more than five thousand dollars which may be recovered by the corporation counsel in an action or proceeding in any court of competent jurisdiction or shall be punished upon conviction in a criminal court by a fine not exceeding one thousand dollars or by imprisonment for a period not exceeding ten days, or by both such fine and imprisonment] *and other enforcement actions in accordance with the provisions of chapter 2 of title 28 of the administrative code.*

§12. Section 27-3024 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§ 27-3024. Adoption of the electrical code technical standards. *a.* The city of New York hereby adopts the [2005] 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code as the minimum requirements for the design, installation, alteration or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm and data transmission in the city subject to the amendments adopted by local law and set forth in section 27-3025 of this subchapter, which shall be known and cited as "the New York city amendments to the [2005] 2008 National Electrical Code". Such [2005] 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code with such New York city amendments shall together be known and cited as the "electrical code technical standards". The commissioner shall make a copy of the electrical code technical standards available for public inspection at the department of buildings.

*b.* No later than August thirty-first, [two thousand nine] two thousand twelve and on or before such date in every third year thereafter, the commissioner shall submit to the city council proposed amendments that he or she determines should be made to the electrical code technical standards to bring them up to date with the latest edition of the National Fire Protection Association NFPA 70 National Electrical Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner pursuant to this chapter for review and comment.

§13. Section 27-3025 of the administrative code of the city of New York is REPEALED and a new section 27-3025 is added to read as follows:

§ 27-3025 *The New York city amendments to the 2008 National Electrical Code. The following New York City amendments to the 2008 National Electrical Code are hereby adopted as set forth in this section. In the event of conflicts between technical provisions, the more restrictive shall apply:*

2008 NEC New York City Amendment

**ARTICLE 90**

**Introduction**

**SECTION 90.2**

*Subsection 90.2(B)(5) - Delete paragraph (b) and add a new paragraph (b) to read as follows:*

*(b) Are located in legally established easements, rights-of-way, or by other agreements either designated by or recognized by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations, or*

**Chapter 1**

**General**

**ARTICLE 100**

**Definitions**

**Coordination (Selective)** *Add a new sentence at the end of the definition of Coordination (Selective) to read as follows:*

*For the purposes of this code two overcurrent protective devices shall be deemed selectively coordinated if their respective time-current characteristic curves do not intersect at a time of 0.1 seconds (6 cycles on 60 Hz systems) or longer.*

**Electric Closet** *Add a new definition of Electric Closet immediately after "Dwelling Unit", to read as follows:*

**Electric Closet.** *A room designed for or dedicated to the purpose of containing electrical distribution equipment such as vertical risers, bus ducts, transformers or panelboards.*

**ARTICLE 110**

**Requirements for Electrical Installations**

**SECTION 110.2**

*Section 110.2 - Delete in its entirety and add a new section 110.2 to read as follows:*

**110.2 Approval of Electrical Materials, Equipment and Installations.**

**(A) Listed and Approved Materials and Equipment.** *All electrical equipment, apparatus, materials, devices, appliances or wiring thereto installed or used in any electrical construction or installation regulated by the terms of this code, shall be designed and constructed so as to be safe and suitable for the purpose intended.*

*(1) All electrical equipment, apparatus, materials, devices, appliances and wiring used in New York City shall be approved by the commissioner, with submissions required in accordance with rules of the department.*

*(2) The maker's name, trademark or other identification, symbol and number shall be placed on fittings, equipment and materials. Additional markings shall be provided, stating voltage, current, wattage or other appropriate ratings as prescribed elsewhere in this code.*

**(B) Installations.** *All electrical installations regulated by the terms of this code shall be designed and constructed so as to be safe and suitable for the purpose intended.*

*No electrical installations as described in (1) through (5) below shall be constructed unless a submission for approval has been made to the commissioner and approval has been granted. For the purpose of this section an electrical "installation" shall refer to the installation of service equipment, transformers, UPS systems, generators, electrical wiring of assembled photovoltaic arrays, generator paralleling equipment or other sources.*

*(1) A new installation of new equipment totaling 1000 kVA or larger.*

*(2) Any change in an installation with a rating of 1000 kVA or larger, up to and including 2nd level overcurrent protection unless it was fully described and approved as "future" on the original approved plan.*

*(3) Any addition to an existing installation, which would bring the total to 1000 kVA or larger.*

*(4) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 kVA installation.*

*(5) A new installation or revised installation above 600V irrespective of kVA rating. Exception No. 1: No submission is required solely for fire alarm service taps.*

*Exception No. 2: No submission is required for the addition of one 2nd level overcurrent protection device 200 amperes or less.*

**(C) Capacity.**

*(1) The capacity of a utility service, in kVA, shall be determined by summing the maximum ampere ratings of each service disconnecting means and calculating total kVA at the operating voltage. Service disconnecting means supplying fire pumps shall be included at 125 percent of the fire pump full load amps. The calculation shall include all new and existing service disconnecting means supplied from the common service entrance.*

*(2) The capacity of a transformer, UPS system, generator or other source shall be its maximum KVA output rating.*

*FPN: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of "Approved," "Identified," "Labeled," and "Listed."*

**SECTION 110.4**

*Section 110.4 - Add a FPN at the end of the section to read as follows:*

*FPN: See Section 27-3004 of the Administrative Code for the definitions of Low Voltage Electrical Work and Low Voltage Installer, and Section 27-3016.1 for the certification requirements of a Low Voltage Installer.*

**SECTION 110.25**

*Section 110.25 - Add a new section 110.25 to read as follows:*

**110.25 Electric Closets.** *Electric closets shall be dedicated to electrical distribution equipment. Electric closets shall be identified as such, shall be sized to provide the applicable working space requirements, and shall not be used for any*

other purpose including storage. Electric closets shall be accessible to authorized persons only.

Exception: Other systems that are required to be installed by a licensed electrician, such as Fire Alarm Panels, Building Management Systems and Lighting Control Systems may be installed in Electric Closets.

#### **SECTION 110.26**

Subsection 110.26(H) - Add a new subsection 110.26(H) to read as follows:

**(H) Network Compartments.** All network compartments shall have at least two means of access. Each door shall access an area that leads to a legal exit.

#### **SECTION 110.31**

Section 110.31 - Revise the second sentence of the second paragraph to read as follows:

A fence shall not be less than 2.44m (8 ft) in height.

Subsection 110.31(A) - Revise the second sentence to read as follows:

The floors of vaults in contact with the earth shall be of concrete that is not less than 6 in. (150 mm) thick, but where the vault is constructed with a vacant space or other stories below it, the floor shall have adequate structural strength for the load imposed on it and a minimum fire resistance of 3 hours.

#### **SECTION 110.33**

Subsection 110.33(A) - Revise the first sentence of the subsection to read as follows:

At least one entrance to enclosures for electrical installations as described in 110.31 not less than 762 mm (30 in.) wide and 2 m (6½ ft) high shall be provided to give access to the working space around the electrical equipment.

#### **SECTION 110.34**

Subsection 110.34(A) - Revise the last sentence of the Exception to read as follows:

Where rear access is required to work on de-energized parts on the back of enclosed equipment, a minimum working space of 900 mm (36 in.) horizontally shall be provided.

### **Chapter 2**

#### **Wiring and Protection**

#### **ARTICLE 210**

#### **Branch Circuits**

#### **SECTION 210.11**

Subsection 210.11(C)(4) - Add a new subsection 210.11(C)(4) to read as follows:

**(4) Air-Conditioning Branch Circuit.** In addition to the number of branch circuits required by other parts of this section, an individual branch circuit shall be provided for each air-conditioning receptacle required by 210.52(I).

#### **SECTION 210.19**

Subsection 210.19(A)(1) - Add a new sentence at the end of the paragraph before the first Exception to read as follows:

Conductors of branch circuits shall be sized to allow for a maximum voltage drop of 3 percent at the last outlet supplying light, heat or power and the maximum voltage drop allowable for feeders and branch circuit combined shall not exceed 5 percent.

FPN No. 4 - Delete the FPN in its entirety.

Subsection 210.19(A)(4) - Revise the first sentence of the paragraph by replacing "14 AWG" with "12 AWG"

Exception No. 3: Add a new Exception No. 3 to read as follows:

Exception No.3: Where compliance with the applicable Energy Conservation Code is mandated voltage drop requirements of that code shall apply.

#### **SECTION 210.24**

Section 210.24 Table - Replace the value "14" that appears twice in the column headed 15A, and once each in the columns headed 20A and 30A in the Circuit Rating Section with the value "12."

#### **SECTION 210.25**

Section 210.25 - Add an Exception to (A) and (B) to read as follows:

Exception to (A) and (B): Buildings built prior to January 1, 2003 are exempt from the requirements of 210.25 (A) and (B) under either of the following conditions:

- (1) undergoing renovation less than 50 percent.
- (2) repair to or replacement of existing equipment.

#### **SECTION 210.52**

Subsection 210.52(E)(3) - Delete the Exception in its entirety.

Subsection 210.52(I) - Add a new subsection 210.52(I) to read as follows:

**(I) Outlet Requirements For Residential-Type Occupancies.** In addition to the requirements set forth in subsections (A) through (H) of this section, living rooms, bedrooms, dining rooms or similar rooms shall have at least one receptacle outlet installed for air conditioners. Such outlets shall be supplied by an individual branch circuit.

Exception: Buildings with central air conditioning systems that serve any of the above areas shall not require separate outlets in those areas.

#### **ARTICLE 215**

#### **Feeders**

#### **SECTION 215.2**

Subsection 215.2(A)(1) - Add two new sentences at the end of the first paragraph, before the Exception, to read as follows:

Feeder conductors shall be sized so that the maximum voltage drop at the last overcurrent device does not exceed 3 percent and the total maximum voltage drop of feeder and branch circuit conductors to the last outlet does not exceed 5

percent. The minimum feeder size feeding a dwelling unit shall be 8 AWG copper or 6 AWG aluminum or copper-clad aluminum conductors.

Add three new Exceptions No. 3, No. 4 & No. 5 and a FPN, to read as follows:

Exception No. 3: For residential occupancies and portions of the electrical system of mixed use buildings serving exclusively residential occupancies, the maximum voltage drop from the service point to the last overcurrent device shall not exceed 4 percent and the total maximum voltage drop to the last outlet shall not exceed 5 percent.

Exception No. 4: Where the distance between the utility service point and the service disconnecting means exceeds 15.2 m (50 ft), the voltage drop between the service point and the service disconnecting means may be calculated utilizing the service capacity limits defined by the utility company in lieu of the computed load. The distance between the service point and the service disconnecting means, the computed load and a letter on utility company letterhead indicating service limits shall be submitted for department approval.

Exception No. 5: Where compliance with the applicable Energy Conservation Code is mandated voltage drop requirements of that code shall apply.

FPN: When using Exception No. 4, potential future increases in the utility service capacity limits should be considered to avoid exceeding voltage drop limits at a later date.

Subsection 215.2(A)(3) - Delete FPN No. 2. - Renumber FPN No.3 as FPN No.2, and revise to read as follows:

FPN No. 2: See amended 210.19(A) for voltage drop on branch circuits.

#### **ARTICLE 220**

#### **Branch-Circuit, Feeder, and Service Calculations**

#### **SECTION 220.14**

Section 220.14 - Delete the reference to subdivision (L) in the first paragraph and replace it with a reference to subdivision (M) to read as follows:

In all occupancies, the minimum load for each outlet for general-use receptacles and outlets not used for general illumination shall not be less than that calculated in 220.14(A) through (M), the loads shown being based on nominal branch-circuit voltages.

Subsection 220.14(M) - Add a new subsection 220.14(M) to read as follows:

**(M) Air Conditioning Circuits:** A load of not less than 1500VA shall be included with each 2 wire circuit. This load shall be permitted to be included with the general lighting load and subject to section 220.42 and table 220.42.

#### **SECTION 220.87**

#### **220.87 Determining Existing Loads.**

Delete "or service" from the first sentence.

#### **ARTICLE 225**

#### **Outside Branch Circuits and Feeders**

#### **SECTION 225.10**

Section 225.10 - Revise the first sentence to read as follows:

The installation of outside wiring on surfaces of buildings shall be permitted for circuits of not over 600 Volts, nominal, as multiconductor cable, as type MI cable, as messenger supported wiring, in rigid metal conduit, in intermediate metal conduit, in cable trays, as cablebus, in wireways, in auxiliary gutters, in liquidtight flexible metal conduit and in busways.

#### **SECTION 225.11**

Section 225.11 - Revise the first sentence to read as follows:

Where outside branch and feeder circuits leave or enter a building, the requirements of 230.54 shall apply.

#### **SECTION 225.36**

Section 225.36 - At the end of the sentence, add the following:

and shall comply with all the requirements of Article 408 and its amendments.

#### **ARTICLE 230**

#### **Services**

#### **SECTION 230.6(5)**

Subsection 230.6(5) - Add a new subsection 230.6(5) to read as follows:

(5) Where installed in service and fire pump rooms having 2 hour rated construction.

#### **SECTION 230.30**

Section 230.30 - Delete the Exception in its entirety.

#### **SECTION 230.31**

Subsection 230.31(B) - Revise to read as follows:

**(B) Minimum Size.** The conductors shall not be smaller than 4 AWG copper or 2 AWG aluminum or copper-clad aluminum.

Exception: Conductors supplying only limited loads of a single branch circuit - such as small polyphase power, controlled water heaters, and similar loads - shall not be smaller than 10 AWG copper or 8 AWG aluminum or copper-clad aluminum.

#### **SECTION 230.42**

Subsection 230.42(A) - Revise to read as follows:

**(A) General** The ampacity of the service-entrance conductors before the application of any adjustment or correction factors shall not be less than (A)(1) or (A)(2) below. Loads shall be determined in accordance with Part III, IV or V of Article 220, as applicable. Ampacity shall be determined from 310.15 for respective conductor types at 75°C. When service-entrance conductors consist of busbars



contained in either service busway or other service equipment, bus sizing shall conform to the following table:

**Table 230.42 Service Equipment Busbar Ampere Density**

| Current Rating of Bus | Maximum Current Per Square Inch in Amperes |              |                      |              |
|-----------------------|--|--------------|----------------------|--------------|
|                       | Ventilated Housing                         |              | Unventilated Housing |              |
|                       | Copper Bar                                 | Aluminum Bar | Copper Bar           | Aluminum Bar |
| Up to 1200 Amp        | 1000                                       | 750          | 800                  | 600          |
| 1201 to 2000 Amp      | 800  | 600          | 700                  | 525          |
| 2001 Amp and greater  | 700  | 525          | 500                  | 375          |

(1) Ampacity of the service-entrance conductors for service below 1000 kVA shall not be less than either a or b:

(a) The sum of the noncontinuous loads plus 125 percent of the continuous loads.

(b) The sum of the noncontinuous loads plus the continuous loads if the service-entrance conductors terminate in an overcurrent device where both the overcurrent device and its assembly are listed for operation at 100 percent of their rating.

(2) Ampacity of the service-entrance conductors for services 1000 kVA and larger shall not be less than the sum of the maximum ampere ratings of the service disconnecting means. When including fire pump disconnects in the calculation, 125 percent of the fire pump full load amperes shall be added.

Exception: The ampacity of service-entrance conductors need not exceed the maximum demand calculated in accordance with Article 220, up to a maximum of 4000 amps per service

FPN: See Subsection 110.2(C)(1) for determining service capacity.

**SECTION 230.43**

Section 230.43 - Revise to read as follows:

**230.43 Wiring Methods for 600 Volts, Nominal, or Less.** Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to the following methods:

- (1) Type IGS cable.
- (2) Rigid metal conduit.
- (3) Intermediate metal conduit.
- (4) Electrical metallic tubing.
- (5) Metallic wireways.
- (6) Busways.
- (7) Metallic auxiliary gutters.
- (8) Rigid nonmetallic conduit, underground.
- (9) Mineral-insulated, metal-sheathed cable.
- (10) Flexible metal conduit not over 1.83 m (6 ft) long or liquidtight flexible metal conduit not over 1.83 m (6 ft) long between raceways, or between raceway and service equipment, with equipment bonding jumper routed with the flexible metal conduit or the liquidtight flexible metal conduit according to the provisions of Section 250.102(A), (B), (C), and (E).

Service entrance conductors shall not run within the hollow spaces of frame buildings.

**SECTION 230.46**

Section 230.46 - Revise to read as follows:

**230.46 Unspliced Conductors.** Service-entrance conductors shall not be spliced before terminating at the service disconnecting means, except for the following terminations that are permitted:

- (1) in a service end line box.
- (2) taps supplying two to six service disconnecting means when grouped.
- (3) approved terminals in meter enclosures.
- (4) service-entrance conductors in the form of busway, shall be connected as required in order to assemble the various fittings and sections.

**SECTION 230.50**

Subsection 230.50(B)(1)(3) - Delete the subsection in its entirety.

Subsection 230.50(B)(1)(4) - Delete the subsection in its entirety.

**SECTION 230.52**

Section 230.52 - Delete the section in its entirety.

**SECTION 230.54**

Section 230.54 - Delete in its entirety and add a new section 230.54 to read as follows:

**230.54 Overhead Service Locations.**

(A) **Raintight Service Head.** Service raceways shall be equipped with a raintight service head at the point of connection to service-drop conductors.

(B) **Service Heads Above Service-Drop Attachment.** Service heads shall be located above the point of attachment of the service-drop conductors to the building or other structure.

Exception: Where it is impracticable to locate the service head above the point of attachment, the service head location shall be permitted not farther than 600 mm (24 in.) from the point of attachment.

(C) **Separately Bushed Openings.** Service heads shall have conductors of different potential brought out through separately bushed openings.

(D) **Drip Loops.** Drip loops shall be formed on individual conductors. To prevent the entrance of water, service-entrance conductors shall be connected to the service-drop conductors below the level of the service head.

(E) **Arranged that Water Will Not Enter Service Raceway or Equipment.** Service-drop conductors and service-entrance conductors shall be arranged so that water will not enter service raceway or equipment.

**SECTION 230.64**

Section 230.64 - Add a new section 230.64 to read as follows:

**230.64 Service Rooms or Areas.**

(A) **General.** The minimum sufficient working space shall be as provided in Section 110.26 or 110.34 as applicable, in order to assure the safety of operation, inspection, and repairs within the vicinity of the service equipment.

(B) **Service Equipment Totaling 1000 kVA, or Larger.** Where service equipment totaling 1000 kVA or larger is installed separately, or as part of a switchboard, the room in which such switchboard is located shall be constructed of noncombustible materials having a 2 hour fire rating and shall be of dimensions adequate to house the switchboard and to provide the following minimum clearances:

(1) At least 1.5 m (5 ft) in front of the switchboard if it is in one line, and at least 2.1 m (7 ft) in front of the board if boards are installed facing each other.

(2) At least 300 mm (12 in.) from the floor to any energized part of the switchboard, except by special permission.

(3) Where side and/or rear access is required, the following shall also apply:

- At least 900 mm (3 ft) at each end of the board
- At least 900 mm (3 ft) at the rear of the board clear of all obstructions or as specified in Table 110.26(A)(1) or Table 110.34(A) as applicable, whichever is greater.

(4) Front-only accessible switchboards may be installed 300 mm (12 in.) or less from a wall. However, if the front-only accessible switchboard is installed more than 300 mm (12 in.) from the wall, access must be sealed at each end or comply with the restrictions herein.

(5) Service equipment shall be arranged so that it is reachable from the entrance door without having to pass in front of, or behind any other electrical equipment in the room. This requirement shall be waived if a second entrance door is provided and located as remotely as practical from the first. Each door shall access an area, which leads to a legal exit.

**SECTION 230.70**

Subsection 230.70(A)(1) - Revise to read as follows:

(I) **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location inside of a building or structure nearest the point of entrance of the service conductors.

Exception: Service disconnecting means may be installed on the outside of residential buildings of one through four dwelling units.

Subsection 230.70(B) - Revise to read as follows:

(B) **Marking.** Each service disconnecting means shall be permanently marked to identify it as a service disconnect. Each disconnecting means shall be marked to indicate the load served.

**SECTION 230.76**

Section 230.76 - Add a new paragraph at the end of section 230.76 to read as follows:

Where remote control devices are used on service equipment or manually operated circuit breaker devices totaling 1000 kVA or larger, it shall be the responsibility of the owner of the building or such owner's authorized agent to have the opening and closing mechanism of each service switch or service breaker tested at least once every year. The testing need not be performed under load. A record showing the date and signature of the qualified person making the test shall be kept posted at the switch or circuit breaker.

**SECTION 230.94**

Section 230.94 - Revise Exception No. 3 to read as follows:

Exception No. 3: Circuits for load management devices and emergency supply shall be permitted to be connected on the supply side of the service overcurrent device where separately provided with overcurrent protection.

**ARTICLE 240**

**Overcurrent Protection**

**SECTION 240.12**

Subsection 240.12(A) - Add a new subsection 240.12(A) to read as follows:

**(A) Service Overcurrent Protective Device**

Where the service overcurrent protective device (OCPD) rating or setting is above 601 Amps, such device shall be selectively coordinated with the next downstream OCPD.

FPN No. 1: See definition of "Coordination (Selective)."

Exception No. 1: Selective coordination shall not be required between two OCPDs in series with one another when no loads are connected in parallel with the downstream device.

Exception No. 2: When the second level OCPD is a single main device having the same rating or setting as the service OCPD, selective coordination shall be required between the third level devices and the two upstream devices.

Exception No. 3: Selective coordination shall not be required between transformer primary and secondary OCPDs, where only one OCPD exists on the transformer secondary.

Renumber first paragraph of 240.12 as new subsection 240.12(B), and retitle as follows:

**(B) Orderly Shutdown.**

**SECTION 240.86**

Section 240.86 - Add a FPN after first paragraph to read as follows:

FPN: See 240.12, 700.27 and 708.54.

#### ARTICLE 250

##### Grounding and Bonding

#### SECTION 250.52

Subsection 250.52(A)(1) - Delete the Exception in its entirety.

#### ARTICLE 285

##### Surge-Protective Devices (SPDs), 1 kV or Less

#### SECTION 285.25

Section 285.25 - Add a FPN at end of paragraph to read as follows:

FPN: Device to be used as per manufacturer's listing, available fault current should be considered.

#### CHAPTER 3

##### Wiring Methods and Materials

#### ARTICLE 300

##### Wiring Methods

#### SECTION 300.3

Subsection 300.3(C)(1)(a) - Add a new subsection 300.3(C)(1)(a) to read as follows:

(a) Barriers shall be provided to isolate conductors energized from different sources when system voltage exceeds 250 volts nominal and conductors are protected by first or second level overcurrent protective devices. Sources include service entrance points, secondaries of different transformers, generators and UPS systems.

#### SECTION 300.5

Subsection 300.5(A) - Revise to read as follows:

(A) **Minimum Cover Requirements.** Direct-buried cable or conduit or other raceways shall be installed to meet the minimum cover requirements of Table 300.5. Direct-buried cable shall not be installed except by special permission from the commissioner.

#### SECTION 300.6

Subsection 300.6(B) - Revise to read as follows:

(B) **Aluminum Metal Equipment.** Aluminum raceways, cable trays, cablebus, auxiliary gutters, cable armor, boxes, cable sheathing, cabinets, elbows, couplings, nipples, fittings, supports and support hardware shall not be permitted to be embedded in concrete or come in direct contact with the earth.

#### SECTION 300.22

Subsection 300.22(C) - Revise the first paragraph to read as follows:

(C) **Other Space Used for Environmental Air.** This section applies to non-fire rated spaces used for environmental air-handling purposes other than ducts and plenums as specified in 300.22(A) and (B). It does not include habitable rooms or areas of buildings, the prime purpose of which is not air handling.

#### ARTICLE 328

##### Medium Voltage Cable: Type MV

#### SECTION 328.10

Section 328.10 - Revise to read as follows:

**328.10 Uses Permitted.** Type MV cables shall be permitted for use on power systems rated up to 35,000 volts nominal as follows:

- (1) In wet or dry locations,
- (2) In raceways.

#### SECTION 328.12

Section 328.12 - Revise to read as follows:

**328.12 Uses Not Permitted.** Type MV cable shall not be used:

- (1) Where exposed to direct sunlight,
- (2) In cable trays,
- (3) Direct-buried,
- (4) In messenger-supported wiring.

#### SECTION 328.80

Section 328.80 - Delete the last sentence.

#### ARTICLE 330

##### Metal-Clad Cable: Type MC

#### SECTION 330.10

Subsection 330.10(A)(1) - Delete the word "services".

Subsection 330.10(A)(3) - Delete the words "or outdoors".

Subsection 330.10(A)(5) - Revise to read as follows:

To be direct-buried where identified for such use and by special permission.

Subsection 330.10(A)(8) - Delete the subsection in its entirety.

Subsection 330.10(B)(3) - Delete the subsection in its entirety.

#### SECTION 330.12

Section 330.12 - Revise the first sentence to read as follows:

**330.12 Uses Not Permitted.** Type MC cable shall not be used under any of the following conditions.

Subsection 330.12(3) - Add a new subsection 330.12(3) to read as follows:

- (3) Where used as service conductors.

Subsection 330.12(4) - Add a new subsection 330.12(4) to read as follows:

(4) Where the cable has an outer jacket of PVC, in residential buildings exceeding three floors above grade.

Subsection 330.12(5) - Add a new subsection 330.12(5) to read as follows:

(5) Where the cable has an outer jacket of PVC, in any nonresidential building unless concealed within non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire rated assemblies.

#### ARTICLE 334

##### Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS

#### SECTION 334.10

Section 334.10 - Revise to read as follows:

**334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

- (1) One- and two-family dwellings.

- (2) Multifamily dwellings, except as prohibited in Section 334.12.

FPN: See Section 310.10 for temperature limitation of conductors.

Subsection 334.10(A)(1) - Revise to read as follows:

- (1) For both exposed and concealed work in normally dry locations.

Subsection 334.10(B)(1) - Revise to read as follows:

- (1) For both exposed and concealed work in dry, moist, damp or corrosive locations.

Subsection 334.10(C)(1) - Revise to read as follows:

- (1) For both exposed and concealed work in normally dry locations.

#### SECTION 334.12

Subsection 334.12(A)(1) - Revise to read as follows:

- (1) In any multifamily dwelling exceeding three floors above grade.

Subsection 334.12(A)(1) - Delete the Exception in its entirety.

Subsection 334.12(A)(11) - Add a new subsection 334.12 (A)(11) to read as follows:

- (11) In non-residential buildings.

#### SECTION 334.15

Subsection 334.15(B) - Change reference from 300.4(E) to 300.4(F).

#### SECTION 334.30

Subsection 334.30(C) - Delete the subsection in its entirety.

#### ARTICLE 336

##### Power and Control Tray Cable: Type TC

#### SECTION 336.10

Subsection 336.10(6) - Delete the subsection in its entirety.

#### SECTION 336.12

Subsection 336.12(5) - Add a new subsection 336.12 (5) to read as follows:

- (5) As fire alarm circuit wiring.

#### SECTION 336.104

Subsection 336.104(A) - Delete the subsection in its entirety.

#### ARTICLE 338

##### Service-Entrance Cable: Types SE and USE

#### SECTION 338.10

Subsection 338.10(A) - Add a second sentence to read as follows:

Where installed as service entrance conductors, Type SE cable shall be enclosed in a threaded metallic conduit.

Subsection 338.10(B)(2) - Delete the Exception in its entirety.

Subsection 338.10(B)(4)(b) - Revise to read as follows:

(b) Exterior Installations. In addition to the provisions of this article, service-entrance cable used for feeders or branch circuits, where installed as exterior wiring, shall be installed in a threaded metallic conduit.

#### ARTICLE 340

##### Underground Feeder and Branch-Circuit Cable: Type UF

#### SECTION 340.10

Subsection 340.10(1) - Revise to read as follows:

- (1) For use underground. For underground requirements, see 300.5.

Subsection 340.10(5) - Delete the subsection in its entirety.

Subsection 340.10(6) - Delete the subsection in its entirety.

#### SECTION 340.12

Subsection 340.12(12) - Add a new subsection 340.12(12) to read as follows:

- (12) Direct burial.

Subsection 340.12(13) - Add a new subsection 340.12(13) to read as follows:

- (13) For Solar Photovoltaic Systems.

#### SECTION 344.10

Subsection 344.10(A)(3) - Revise the second sentence of subsection 344.10(A)(3) to read as follows:

Aluminum RMC shall not be permitted to be encased in concrete or used for direct burial.

Subsection 344.10(B)(2) - Delete the subsection in its entirety.

#### ARTICLE 350

##### Liquidtight Flexible Metal Conduit: Type LFMC

#### SECTION 350.12

Subsection 350.12(3) - Add a new subsection 350.12(3) to read as follows:

- (3) In lengths exceeding 1.83m (6 ft).

#### ARTICLE 352

##### Rigid Polyvinyl Chloride Conduit: Type PVC

#### SECTION 352.10

Subsection 352.10(I) - Add a new subsection 352.10(I) to read as follows:

(I) **Residential Use.** In any residential building or dwelling unit not exceeding three floors above grade.

Subsection 352.10(J) - Add a new subsection 352.10(J) to read as follows:

(J) **Non Residential Use.** Unless prohibited elsewhere by other articles of this code, PVC conduit shall be permitted in any nonresidential building or residential building over 3 stories high. Rigid nonmetallic conduit shall be concealed within

non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire-rated assemblies.

**ARTICLE 354**

**Nonmetallic Underground Conduit with Conductors: Type NUCC**

**SECTION 354.10**

Section 354.10 - Revise the heading and the first sentence to read as follows:

**354.10 Uses Permitted by Special Permission Only.** The use of NUCC and fittings shall be permitted by special permission only, as follows:

**ARTICLE 355**

**Reinforced Thermosetting Resin Conduit: Type RTRC**

**SECTION 355.10**

Subsection 355.10(I) - Add a new subsection 355.10(I) to read as follows:

**(I) Residential Use.** In any residential building or dwelling unit not exceeding three floors above grade.

Subsection 355.10(J) - Add a new subsection 355.10(J) to read as follows:

**(J) Non Residential Use.** Unless prohibited elsewhere by other articles of this code, RTRC conduit shall be permitted in any nonresidential building or residential building over 3 stories high. RTRC conduit shall be concealed within non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire-rated assemblies.

**ARTICLE 356**

**Liquidtight Flexible Nonmetallic Conduit: Type LFNC**

**SECTION 356.10**

Section 356.10 - Revise the heading and the first sentence to read as follows:

**356.10 Uses Permitted by Special Permission Only.** The use of LFNC shall be permitted by special permission only, as follows:

**ARTICLE 358**

**Electrical Metallic Tubing: Type EMT**

**SECTION 358.10**

Subsection 358.10(C) - Delete the subsection in its entirety.

**SECTION 358.12**

Subsection 358.12(7) - Add a new subsection 358.12(7) to read as follows:

(7) For underground or exterior installations or in wet locations.

**ARTICLE 362**

**Electrical Nonmetallic Tubing: Type ENT**

**SECTION 362.10**

Section 362.10 - Revise to read as follows:

**362.10 Uses Permitted.** The use of electrical nonmetallic tubing and fittings shall be permitted:

(1) Concealed within walls, floors, and ceilings where the walls, floors, and ceilings provide a thermal barrier of material which has at least a 1 hour finish rating as identified in listings of fire-rated assemblies.

(2) In locations subject to severe corrosive influences as covered in 300.6 and where subject to chemicals for which the materials are specifically approved.

(3) In concealed, dry, and damp locations not prohibited by 362.12.

(4) Above suspended ceilings where the suspended ceilings provide a thermal barrier of material, which has at least a 1 hour finish rating as identified in listings of fire-rated assemblies.

(5) Embedded in poured concrete, provided fittings approved for this purpose are used for connections.

(6) For wet locations indoors or in a concrete slab on or below grade, with fittings listed and approved for the purpose.

FPN No.1: Extreme cold may cause some types of nonmetallic conduits to become brittle and, therefore, more susceptible to damage from physical contact.

FPN No. 2: Extreme cold may cause some types of nonmetallic tubing to become brittle and, therefore, more susceptible to damage from physical contact.

**SECTION 362.12**

Subsection 362.12(11) - Add a new subsection 362.12(11) to read as follows:

(11) In ducts, plenums and other air handling spaces.

**ARTICLE 366**

**Auxiliary Gutters**

**SECTION 366.10**

Subsection 366.10(B) - Revise the first sentence to read as follows:

Nonmetallic auxiliary gutters may only be installed by special permission and shall be listed for the maximum ambient temperature of the installation and marked for the installed conductor insulation temperature rating.

**ARTICLE 368**

**Busways**

**SECTION 368.2**

Section 368.2 - Change title from "Definition" to "Definitions" and add a new definition to read as follows:

**Service Busway.** For the purpose of this article, service busway is busway used to connect from the service point to the line terminals of the service equipment.

**SECTION 368.119**

Section 368.119 - Add a new section 368.119, after the heading "III. Construction", to read as follows:

**368.119 Service Busway.** Service busway shall conform to the specifications listed in (A) through (I) below.

(A) **Ampacity and Ratings of Busbars.** Ampacity and ratings of busbars shall be in accordance with 230.42(A).

(B) **Length.** Service busway shall be limited to a maximum of 3.0 m (10 ft) in length.

Exception: By special permission.

(C) **Insulation.** Busbars shall be insulated with a material listed for the purpose and rated for use at a minimum of 600 Volts.

Exception: Bolted busbar joints requiring maintenance shall be permitted to be uninsulated.

(D) **Enclosure.** Enclosure shall be fabricated from aluminum, minimum 3.2 mm (1/8 in.) thick or other non-magnetic material approved by the commissioner.

(E) **Enclosure Vents.** Ventilating openings shall be permitted in the sides and bottom of the enclosure. Top of enclosure must be solid.

(F) **Mounting.** Busbars shall be mounted on insulating supports, properly spaced and braced to withstand the maximum available short circuit current.

(G) **Clearance.** A minimum clearance of 102 mm (4 in.) shall be provided from the phase bars to the enclosure.

(H) **Plating.** All busbar joints and connections shall be plated with silver, tin or nickel.

(I) **Accessibility.** All busbar joints and connections shall be accessible.

**ARTICLE 370**

**Cablebus**

**SECTION 370.3**

Section 370.3 - Delete "and services" from the last sentence of the first paragraph, so that it reads as follows:

Cablebus shall be permitted to be used for branch circuits and feeders.

**ARTICLE 376**

**Metal Wireways**

**SECTION 376.22**

Section 376.22 - Add an Exception after subsection (B) to read as follows:

Exception: Metallic auxiliary gutters may contain up to 40 service entrance conductors without applying derating factors.

**ARTICLE 378**

**Nonmetallic Wireways**

**SECTION 378.10**

Section 378.10 - Revise the heading and first sentence of the section to read as follows:

**378.10 Uses Permitted by Special Permission Only.** The use of nonmetallic wireways shall be permitted by special permission only as follows:

**ARTICLE 380**

**Multioutlet Assembly**

**SECTION 380.2**

Subsection 380.2(B)(7) - Add a new subsection 380.2(B)(7) to read as follows:

(7) Where cord and plug connected unless listed for the purpose.

**ARTICLE 382**

**Nonmetallic Extensions**

**SECTION 382 II**

Section 382 II - After subheading "II. Installation" of the Article, add a sentence to read as follows and delete remainder of the Article:

**II. Installation**

Installation of non-metallic extensions shall not be permitted.

**ARTICLE 388**

**Surface Nonmetallic Raceways**

**SECTION 388.12**

Subsection 388.12(8) - Add a new subsection 388.12(8) to read as follows:

(8) In residential buildings exceeding three floors above grade.

Subsection 388.12(9) - Add a new subsection 388.12(9) to read as follows:

(9) In non-residential buildings.

**ARTICLE 392**

**Cable Trays**

Subsection 392.3(E) - Add a new sentence at end of existing paragraph to read as follows:

Nonmetallic cable trays may be used by special permission only.

**ARTICLE 394**

**Concealed Knob-and-Tube Wiring**

**SECTION 394 II**

Section 394 II - After subheading "II. Installation" of this Article, add a sentence to read as follows and delete the rest of the Article:

**II. Installation**

Installation of Concealed Knob-and-Tube Wiring shall not be permitted.

**ARTICLE 396**

**Messenger-Supported Wiring**

**SECTION 396**

Table 396.10(A) - Delete second line of Table in its entirety.

**CHAPTER 4**

**Equipment for General Use**

**ARTICLE 404**

**Switches**

**SECTION 404.10**

Subsection 404.10(A) - Delete the subsection in its entirety.

**ARTICLE 408****Switchboards and Panelboards****Section 408.60**

Section 408.60 - Add new section 408.60 to read as follows:

**408.60 Special Requirements.** Switchboards shall be listed, approved and constructed in accordance with UL 891, Eleventh Edition, Standard for Switchboards. Panelboards shall be listed, approved and constructed in accordance with UL 67, Eleventh Edition, Standard for Panelboards. Additional construction specifications shall be in accordance with (A) thru (G) below.

**(A) Neutral Disconnect Link in Service Switchboards**

A bus link shall be provided for disconnecting the neutral service conductor(s) from the outgoing load neutral conductor(s). Such disconnect link shall be readily accessible and located downstream of the main bonding jumper and grounding electrode conductor terminal. In a multi-section switchboard a single neutral disconnect link may be provided for all service disconnects.

Exception: A single cable lug accommodating a maximum of two cables may be used in lieu of a neutral disconnect link for service disconnects 800 amperes or less.

**(B) Dielectric Test.** All service and distribution equipment, switchboards, control panels, and panelboards shall be given a 60 Hz AC dielectric test, phase to phase and phase to ground, at twice rated voltage plus 1,000 volts for one minute (minimum 1500 volts) prior to shipment from factory. A dielectric test voltage which is 20 percent higher than that in the one minute test may be applied for one second as an alternative to the one minute test. The date of the test and the name and title of the individual certifying the test shall be clearly shown on a label affixed to the equipment.

**(C) Warning Label.** All 480/277 volt switchboards, panelboards and panelboard back boxes shall have a visible label, clearly marked "WARNING 480/277 VOLTS" and in compliance with ANSI Standard Z535.4.

**(D) Grounding Switchboard Frames.** Switchboard frames and structures supporting switching equipment shall be grounded. A multisection switchboard shall be provided with an internal ground bus, which will electrically connect all of the sections of the switchboard. This ground bus shall have a minimum cross section of 1/2 square inch of copper or 3/4 square inch of aluminum. The contact surfaces of the equipment ground connections shall provide an effective electrical ground path for fault currents.

Exception: Frames of direct current, single-polarity switchboards shall not be required to be grounded if effectively insulated.

**(E) Busbars.**

**(1) General.** Busbars shall be sized based on 1000 amperes per square inch for copper and 750 amperes per square inch for aluminum.

Exception: In service switchboards, generator paralleling switchboards and when connecting to devices rated over 2500 amperes. See 408.60(E)(2) and (E)(3) below.

**(2) In Service Equipment And Switchboards Supplied Directly From Separately Derived Systems.** Line-side busbars in service switchboards and all busbars in generator paralleling switchboards shall be considered service conductors and shall comply with the requirements of 230.42(A).

**(3) Connection to Devices Rated over 2500 Amperes.** Busbars shall be sized in accordance with (a) and (b) below when connected to a device (switch or circuit breaker) over 2500 amperes:

(a) Over 2500 amperes but less than 5000 amperes, busbars shall be sized based on 800 amperes per square inch for copper and 600 amperes per square inch for aluminum.

(b) 5000 amperes and over, busbars shall be sized based on 700 amperes per square inch for copper and 525 amperes per square inch for aluminum.

Exception: Beyond a minimum distance of 1.2m (4 ft) along the current path from the device, the busbar may be reduced in size, in accordance with 408.60(E)(1) above.

**(4) Ampacity of Through (Main) Bus.** The through (main) bus that feeds four or more overcurrent protective devices of a switchboard shall have a minimum ampacity of 70 percent of the sum of the frame ratings of all devices fed by that through bus. If provisions are made for the addition of overcurrent protective devices in the future, the expected overcurrent protective device ratings shall be included in the above calculations. The through bus ampacity shall not be required to be greater than the frame rating of the upstream overcurrent protective device.

Exception: In service equipment and switchboards supplied directly from separately derived systems and for devices rated over 2500 amperes refer to 408.60(E)(2) and (E)(3) above.

**(5) Ampacity of Section Bus.** The section bus is that portion of the bus that serves one or more overcurrent protective devices in the switchboard section and includes that part of the bus between the through bus and the branch distribution bus. The minimum ampacity of the section bus of a switchboard shall be determined by the table below. The section bus ampacity shall not be required to be greater than that of the through bus.

Total Number of Branch Minimum Ampacity of Section Bus as a

Overcurrent Devices percentage of the

Sum Total of Branch Overcurrent Devices\*

1-2 100

3-4 80

Over 4 70

\*For fusible switches, the maximum fuse size shall be used. For interchangeable trip circuit breakers, the maximum trip rating shall be used. If provisions are made

for the future installation of branch overcurrent protective devices, the ampacity of these units shall be included in the calculation.

Exception: In service equipment and switchboards supplied directly from separately derived systems and for devices rated over 2500 amperes refer to 408.60(E)(2) and (E)(3) above.

**(6) Busbar Joints.** All busbar joints and connections shall be plated with silver, tin or nickel. The current density at contact surfaces in busbar joints shall not exceed 200 amperes per square inch for copper and 150 amperes per square inch for aluminum. A permanent label providing torque values or tightening instructions for all busbar joints shall be affixed to each section of a switchboard.

**(F) Hinged Doors.** Freestanding switchboards, which have rear access, shall have hinged rear doors fastened by captive screws or suitable latches.

**(G) Barriers In Switchboards Rated Over 150 Volts To Ground.** Listed and approved barriers shall be placed between adjacent sections of the switchboard. Listed and approved barriers shall be placed between the switchboard and its pullbox, whether located at the top or bottom of the equipment. All openings in the barriers for busbars and cables shall be closed with snug fitting, listed and approved non-hygroscopic, arc resistant material.

**ARTICLE 409****Industrial Control Panels****SECTION 409.108**

Section 409.108 - At the end of the first paragraph, add "and shall comply with section 408.60."

**ARTICLE 410****Luminaires, Lampholders, and Lamps****SECTION 410.30**

Subsection 410.30(B)(1) - At the first sentence, insert "intended for use in a wet location" between "A pole" and "shall have"

**SECTION 410.151**

Subsection 410.151(B) - Number the existing FPN as FPN No.1, and add a second FPN to read as follows:

FPN No. 2 : See the applicable Energy Conservation Code.

**ARTICLE 422****Appliances****SECTION 422.12**

Section 422.12 - Revise to read as follows:

**422.12 Central Heating Equipment.** Central heating equipment other than fixed electric space-heating equipment shall be supplied by an individual branch circuit.

Exception No. 1: Auxiliary equipment, such as a pump, valve, humidifier, or electrostatic air cleaner directly associated with the heating equipment, may be connected to the same branch circuit.

Exception No. 2: Permanently connected air-conditioning equipment may be connected to the same branch circuit.

**(A) Low Pressure Boiler.** Any steam boiler operating at 15 psig or less, any hot water boiler operating below 160 psig, or any boiler rated at 10 horsepower or less, regardless of pressure.

**(B) Controls on Low Pressure Boilers.** An electrical pressure switch with normally closed contacts shall be connected to the steam drum of every boiler ahead of all valves. The pressure switch shall be set to open at safe working pressure of the boiler. This boiler electrical high-pressure cut-off switch shall be designed to reclose only by a reset device, which shall be manually controlled. One and two family residences are exempt from these provisions.

**(C) Circuit Voltage and Safety Devices Connections.** Conductors of the control circuits shall only be connected to circuits not exceeding 150 volts to ground, or not more than 150 volts between conductors.

All safety devices, such as pressure controls, fire controls, relays, etc. shall have their electric switching mechanism connected to the ungrounded conductor.

**SECTION 422.16**

Subsection 422.16(B)(4) - Replace the term "range hood(s)" with the term "combination range hood/microwave oven(s)" in the title, first paragraph and the Exception.

**ARTICLE 430****Motors, Motor Circuits, and Controllers****SECTION 430.5**

Table 430.5 - Add the following items to the Table:

"Services 230" and "Switchboards and Panelboards 408"

**SECTION 430.95**

Section 430.95 - At the end of the first paragraph add a new sentence to read as follows:

When the equipment is utilized as service equipment, a means for disconnecting the neutral service conductor(s) complying with 408.60(A) is required.

**SECTION 430.97**

Section 430.97 - After the title, add a new sentence to read as follows:

When the equipment is utilized as service equipment, the busbars shall comply with 408.51.

**ARTICLE 450****Transformers and Transformer Vaults (Including Secondary Ties)****SECTION 450.9**

Section 450.9 - Add a new third paragraph to read as follows:

Mechanical ventilation and/or air conditioning shall be provided and shall be adequate to dispose of the transformer full-load losses without exceeding 40°C (104°F) ambient temperature in the room.

**SECTION 450.25**

Section 450.25 - Delete the section in its entirety.

**SECTION 450.42**

Section 450.42 - Revise to read as follows:

**450.42 Walls, Roofs and Floors.** The vault shall be of such dimension as to permit the installation of all electrical equipment in accordance with 110.26 or 110.34 as applicable. The vault shall be of fireproof construction with a minimum fire resistance rating of three hours with floors, walls and ceilings 152 mm (6 in.) thick if made of concrete, or 203 mm (8 in.) thick if made of brick, or 203 mm (8 in.) thick if made of filled cement block. All building steel forming part of the vault construction shall have a comparable fire resistance rating. Each compartment within a vault shall be built to the same specifications in respect to the thickness of walls and fireproof door, as the vault. The floors shall be of ample strength to carry the weight of the equipment to be installed in the vault. The floors and wall, to the height of the sill, shall be given a hard impervious finish and painted to prevent the absorption of oil.

Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, or gas suppression system, construction of 1-hour rating shall be permitted.

**SECTION 450.43**

Subsection 450.43(A) - Delete the FPN, and revise the subsection and Exception to read as follows:

(A) **Type of Door.** Each doorway leading into a vault from the building interior shall be provided with a tight-fitting door that has a minimum fire rating of 3 hours. Where practicable, basement vaults or vaults opening up on a roof shall be provided with an outside entrance so that no entrance directly into the vault from the interior of the building will be necessary. Where entrance into the vault is from the interior of the building, the vault shall open upon a vestibule, passage hall or switchboard room not commonly in public use.

Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, or gas suppression system, construction of 1-hour rating shall be permitted.

**SECTION 450.45**

Section 450.45 - Revise the first paragraph to read as follows:

A system of ventilation shall be provided to dispose of transformer full load losses and maintain a vault ambient temperature not to exceed 40°C (104°F). Minimum criteria for ventilation shall be in accordance with (A) through (F) below:

Subsection 450.45(C) - Add an Exception to read as follows:

Exception: Where required to meet the ventilation conditions of this section, the minimum of three square inches per kVA of natural ventilation may be supplemented by a dedicated mechanical ventilation system.

**SECTION 450.46**

Section 450.46 - Revise to read as follows:

**450.46 Drainage.** Where practicable, vaults containing more than 100 kVA transformer capacity shall be provided with a drain or other means that will carry off any accumulation of oil or water in the vault unless local conditions make this impracticable. The floor shall be pitched to the drain where provided. Drainage shall be permitted to carry off water accumulation. Such drainage shall prevent drainage of transformer coolant into the water drainage system and shall be provided in accordance with the New York City Construction Codes and other authorities having applicable regulations.

**CHAPTER 5**

**Special Occupancies**

**ARTICLE 500**

**Hazardous (Classified) Locations, Classes I, II, and III, Divisions 1 and 2**

**SECTION 500.8**

Subsection 500.8(A)(3) - Revise to read as follows:

(3) Evidence acceptable to the authority having jurisdiction.

**ARTICLE 501**

**Class I Locations**

**SECTION 501.10**

Subsection 501.10(B)(1)(7) - Delete the words "and Schedule 80 PVC conduit, factory elbows, and associated fittings" from the first paragraph.

Subsection 501.10(B)(2) - Delete item (4) "Liquidtight flexible nonmetallic conduit with listed fittings".

**ARTICLE 502**

**Class II Locations**

**SECTION 502.10**

Subsection 502.10(A)(2) - Delete item (3) "Liquidtight flexible nonmetallic conduit with listed fittings".

**SECTION 502.100**

Subsection 502.100(B)(2) - Revise to read as follows:

(2) **Containing Askarel.** The use of transformers containing Askarel is prohibited. Delete (1), (2), (3).

**ARTICLE 503**

**Class III Locations**

**SECTION 503.10**

Subsection 503.10(A) - Delete the words "rigid nonmetallic conduit".

Subsection 503.10(A)(2) - Delete the words "liquidtight flexible nonmetallic conduit with listed fittings".

**ARTICLE 505**

**Class I, Zone 0, 1, and 2 Locations**

**SECTION 505.15**

Subsection 505.15(C)(1)(g) - Delete the words "and Schedule 80 PVC conduit, factory elbows, and associated fittings".

Subsection 505.15(C)(2) - Delete the words "liquidtight flexible nonmetallic conduit with listed fittings".

**ARTICLE 506**

**Zone 20, 21, and 22 Locations for Combustible Dusts or Ignitable Fibers/Flyings**

**SECTION 506.9**

Subsection 506.9(A)(3) - Delete the words "such as a manufacturer's self-evaluation or an owner's engineering judgment".

**SECTION 506.15**

Subsection 506.15(A)(5) - Delete the words "liquidtight flexible nonmetallic conduit with listed fittings".

**ARTICLE 511**

**Commercial Garages, Repair and Storage**

**SECTION 511.7**

Subsection 511.7(A)(1) - Delete the words "rigid nonmetallic conduit, electrical nonmetallic tubing" and "or liquidtight flexible nonmetallic conduit".

**ARTICLE 515**

**Bulk Storage Plants**

**SECTION 515.7**

Subsection 515.7(A) - Delete the words ", Schedule 80 PVC conduit".

**ARTICLE 516**

**Spray Application, Dipping and Coating Processes**

**SECTION 516.3**

Subsection 516.3(C)(2)(a) - Revise to read as follows:

(a) The exhaust ventilation system shall be interlocked with the spray application equipment, the Division 2 or Zone 2 location shall extend 1.5 m (5 ft) horizontally and 900 mm (3 ft) vertically from the open face or open front of the booth or room, as shown in figure 516.3(B)(2), top.

Subsection 516.3(C)(2)(b) - Delete the subsection in its entirety.

**ARTICLE 517**

**Health Care Facilities**

**SECTION 517.30**

Subsection 517.30(B)(4) - At the end of the paragraph, add the following:

A separate automatic transfer switch shall be required for:

(1) The fire pump. For fire pump requirements refer to Article 695 - Fire Pumps.

(2) Alarm and alerting systems.

(3) Automatic smoke control or venting.

(4) Stair pressurization systems.

FPN Figures 517.30, No.1 and 517.30, No.2, add the following:

This figure does not reflect the switches and automatic transfer switches required above.

Subsection 517.30(C)(3)(1) - Delete the words ", or Schedule 80 PVC conduit".

**SECTION 517.41**

Subsection 517.41(B) - At the end of the paragraph, add the following:

A separate automatic transfer switch shall be required for:

(1) The fire pump. For fire pump requirements refer to Article 695- Fire Pumps.

(2) Alarm and alerting systems.

(3) Automatic smoke control or venting.

(4) Stair pressurization systems.

FPN Figures 517.41, No.1 and 517.41, No. 2, add the following:

This figure does not reflect the switches and automatic transfer switches required above.

**ARTICLE 518**

**Assembly Occupancies**

**SECTION 518.1**

Section 518.1 - Revise to read as follows:

**518.1 Scope.** This article covers all buildings or portions of buildings or structures classified as Assembly Occupancies in the New York City Construction Codes.

**SECTION 518.2**

Subsection 518.2(A) - Delete the first sentence and replace with the following:

(A) **General.** Assembly Occupancies shall be classified as places of assembly in accordance with New York City Construction Codes and the Fire Code (under Titles 28 & 29 of the New York City Administrative Code) and shall include the following:

Subsection 518.2(B) - Revise to read as follows:

(B) **Multiple Occupancies.** Multiple occupancies shall be classified in accordance with the New York City Construction Codes.

**SECTION 518.4**

Subsection 518.4 (B) - Delete the subsection in its entirety.

Subsection 518.4(C) - Delete the subsection in its entirety.

**ARTICLE 520**

**Theaters, Audience Areas of Motion Picture and Television Studios, Performance Areas, and Similar Locations**

**SECTION 520.5**

Subsection 520.5(C) - Delete the subsection in its entirety.

**SECTION 520.6**

Section 520.6 - Delete the words "rigid nonmetallic conduit as permitted in this article," from the first sentence.

**ARTICLE 522****Control Systems for Permanent Amusement Attractions****SECTION 522.1**

Subsection 522.1 - Before "electrical equipment" insert the words "(new and existing)".

**ARTICLE 525****Carnivals, Circuses, Fairs, and Similar Events****SECTION 525.20**

Subsection 525.20(G) - In the first sentence, delete the words "permitted to be" and add the word "secured" in front of "nonconductive matting".

**ARTICLE 545****Manufactured Buildings****SECTION 545.3**

Section 545.3 - Add new section 545.3 to read as follows:

**545.3 Wiring Generally.** Approval of all wiring within manufactured buildings, including branch circuit wiring, shall be subject to the installation and permitting requirements of this code.

**SECTION 545.4**

Subsection 545.4(A) - Revise to read as follows:

(A) **Methods Permitted.** The wiring shall be installed in accordance with the requirements of Chapter 3.

**SECTION 545.6**

Section 545.6 - Delete the Exception in its entirety.

**SECTION 545.10**

Section 545.10 - Delete the section in its entirety.

**ARTICLE 547****Agricultural Buildings****SECTION 547.5**

Subsection 547.5(A) - Delete the words "liquidtight flexible nonmetallic conduit".

Subsection 547.5(D) - Delete the words "liquidtight flexible nonmetallic conduit".

**ARTICLE 550****Mobile Homes, Manufactured Homes, and Mobile Home Parks****SECTION 550.3**

Section 550.3 - Add a new section 550.3 to read as follows:

**550.3 Wiring Generally.** Approval of all wiring within mobile and manufactured homes, including branch circuit wiring, shall be subject to the installation and permitting requirements of this code.

**ARTICLE 590****Temporary Installations****SECTION 590.4**

Subsection 590.4(J) - Add the following at the beginning of the subsection:

Temporary wiring for lighting shall be properly and substantially supported on noncombustible, nonabsorbent insulators and shall be kept off the floor and free and clear of contact with woodwork, metal pipes and metal portions of the building structure.

Subsection 590.4(K) - Add a new subsection 590.4(K) to read as follows:

(K) **Permanent Feeders and Branch Circuits used for Temporary Light and Power.** Permanent feeders may be used for temporary light, heat or power service if run in approved raceways or conduits from the source of supply directly to the distribution center. Temporary polarized lampholders may be connected to permanent branch circuit wiring pending the erection of the permanent fixtures.

Subsection 590.4(L) - Add a new subsection 590.4(L) to read as follows:

(L) **Grounding.** All portable machines shall be grounded. All grounding shall conform with Article 250.

**SECTION 590.6**

Section 590.6 - Add an Exception after the first paragraph, to read as follows:

Exception: Temporary wiring installations that are accessible to the public and used to supply temporary power for illumination of outdoor areas during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities shall comply with all other requirements of this code for permanent wiring and shall be provided with ground-fault protection for personnel.

**SECTION 590.8**

Section 590.8 - Add a new section 590.8 to read as follows:

**590.8 Sidewalk Shed Lighting.** All sidewalk shed lighting installations shall comply with the following conditions in addition to all other relevant provisions of this code:

(1) Such lighting shall be installed in a metal raceway approved for outdoor use.

(2) All junction boxes shall be suitable for damp or wet locations.

(3) A minimum wire size of 12 AWG shall be used for the installation.

(4) All fixtures shall be suitable for outdoor locations.

(5) Ground-Fault Circuit Interrupter (GFCI) protection is required on receptacles and lighting.

(6) The installation shall be properly grounded and bonded.

(7) The panel supplying power to the sidewalk shed lighting shall have a directory that clearly indicates which circuit is being used to supply power.

**CHAPTER 6****Special Equipment****ARTICLE 600****Electric Signs and Outline Lighting****SECTION 600.3**

Section 600.3 - Add the following subsections:

(C) **Inspection.** Electric signs manufactured for installation in the city shall be inspected by the department and approved prior to installation. The department may direct that such inspection take place at the factory before final assembly or at the place of installation.

(D) **Relocated Signs.** The relocation of an approved sign from one location to another may be permitted without inspection provided that no alterations in or additions to the existing sign are made, and the application to connect at the new location shows the previous location, lettering, and the connected electrical load of the sign.

(E) **Plastic Materials.** All plastic materials to be used in the manufacture of electric signs shall be submitted for approval.

(F) **Markings.** Each individual plastic section or letter shall be permanently marked with the material manufacturer's name, trademark, or other identification symbol.

(G) **Receptacles.** Only receptacles for sign maintenance shall be installed in or on sign enclosures.

**SECTION 600.7**

Subsection 600.7(B)(7)(a) - Replace "14 AWG" with "12 AWG".

**SECTION 600.8**

Subsection 600.8(C) - Revise to read as follows:

(C) **Minimum Thickness of Enclosure Metal.** Sheet steel shall be at least 0.635mm (0.0250 in./24 U.S.S.G.) thick. Sheet copper or aluminum shall be of equivalent strength.

**ARTICLE 604****Manufactured Wiring Systems****SECTION 604.1**

Subsection 604.1(A) - Add a new subsection 604.1(A) to read as follows:

(A) **General.** All such wiring systems shall be approved by the department, and shall comply with the installation requirements of this code in addition to the standards listed below. Each manufactured wiring system manufacturer shall add the following to its installation instructions:

(1) With the electrical permit application for each installation, or any subsequent modification thereof, the licensed electrician shall include a diagram or specification sheet clearly defining the boundaries where the wiring method will be installed.

(2) Manufactured wiring systems shall not be used for emergency exit signs or emergency lighting.

(3) Such wiring shall be used only for general lighting circuits above an accessible hung ceiling or where no finished ceiling exists.

**SECTION 604.4**

Section 604.4 - Delete Exceptions No.1 and No. 2 in their entirety.

**SECTION 604.6**

Subsection 604.6(A)(2) - Revise the first paragraph by inserting the word "metal" between "liquidtight flexible" and "conduit".

**ARTICLE 605****Office Furnishings (Consisting of Lighting Accessories and Wired Partitions)****SECTION 605.4**

Section 605.4 - Revise to read as follows:

**605.4 Partition Interconnections.** The electrical connection between partitions shall be flexible assemblies listed and approved for use with wired partitions or metallic raceways that do not exceed 610mm (2 ft) in length.

**SECTION 605.6**

Section 605.6 - Revise to read as follows:

**605.6 Fixed-Type and Freestanding-Type Partitions.** Wired partitions that are fixed (secured to building surfaces) or freestanding (not fixed) shall be permanently connected to the building electrical system by one of the wiring methods of this code. Where liquidtight flexible metal conduit is used, the maximum length shall be 457mm (18 in.).

**SECTION 605.7**

Section 605.7 - Delete the section in its entirety.

**SECTION 605.8**

Section 605.8 - Delete the section in its entirety.

**ARTICLE 620****Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts****SECTION 620.12**

Subsection 620.12(B) - Revise to read as follows:

(B) **Other Wiring.** All signaling and operating control circuits shall be minimum 24 AWG copper.

**SECTION 620.21**

Section 620.21 - Delete the words "rigid nonmetallic conduit" and "liquidtight flexible nonmetallic conduit" throughout.

Subsection 620.21(A)(1)(d) - Delete paragraphs (d)(3) and (d)(4) in their entirety.

Subsection 620.21(A)(2)(d) - Delete paragraphs (d)(3) and (d)(4) in their entirety.

Subsection 620.21(A)(3)(e) - Delete the subsection in its entirety.

Subsection 620.21(A)(4) - Delete the subsection in its entirety.

**SECTION 620.23**

Subsection 620.23(C) - Insert the words "with ground-fault circuit interrupter" between "duplex receptacle" and "shall be provided".

**SECTION 620.24**

Subsection 620.24(A) - Revise the second sentence to read as follows:

Required lighting and/or sump pump shall not be connected to the load side of a ground-fault circuit interrupter.

FPN - replace "2004" with "2003".

**SECTION 620.61**

Section 620.61 - Add a second sentence to read as follows:

For multiple elevators connected to the same feeder, each elevator circuit must be properly protected.

**SECTION 620.82**

Section 620.82 - Insert the words "including all door panels" between "metal enclosures" and "for all electrical equipment".

**ARTICLE 640**

**Audio Signal Processing, Amplification, and Reproduction Equipment**

**SECTION 640.3**

Subsection 640.3(J) - Delete the subsection in its entirety.

**ARTICLE 645**

**Information Technology Equipment**

**SECTION 645.17**

Subsection 645.17 - Delete the words: "each panelboard has no more than 42 overcurrent devices and".

**ARTICLE 668**

**Electrolytic Cells**

**SECTION 668.1**

Section 668.1 - Add a new paragraph at the end of the section to read as follows:

No new electrolytic cell line shall be installed, nor any existing cell line modified, without special permission.

**ARTICLE 680**

**Swimming Pools, Fountains, and Similar Installations**

**SECTION 680.4**

Section 680.4 - At the end of the paragraph add the following:

All applicable provisions of the New York City Construction Codes shall apply.

**SECTION 680.9**

Subsection 680.9 - At the end of the paragraph add the following:

All such circuits shall be provided with GFPE. Electric water heaters of the immersion or submersible type shall not be permitted.

**SECTION 680.21**

Subsection 680.21(A)(3) - Revise by deleting the words "or liquidtight flexible nonmetallic conduit".

**SECTION 680.23**

Subsection 680.23(B)(1) - Revise the first sentence to read as follows:

Listed and approved forming shells shall be installed for the mounting of all wet-niche underwater luminaires (fixtures) and shall be equipped with provisions for conduit entries.

Subsection 680.23(B)(2) - Revise by deleting the words "liquidtight flexible nonmetallic" throughout.

Subsection 680.23 (B)(2)(b) - Revise the first sentence to read as follows:

Where a rigid nonmetallic conduit is used, an 8 AWG insulated solid or stranded copper equipment grounding conductor shall be installed in this conduit unless a listed low-voltage lighting system not requiring grounding is used.

Subsection 680.23(D) - Revise to read as follows:

(D) **No-Niche Luminaires (Fixtures).** A no-niche lighting fixture shall be supplied from a transformer meeting the requirements of 680.23(A)(2) and shall:

- (1) Have no exposed metal parts
- (2) Have an impact resistant polymeric lens and body, and
- (3) Be listed and approved for the purpose

Subsection 680.23(F)(1) - Revise to read as follows:

(I) **Wiring Methods.** Branch-circuit wiring on the supply side of enclosures and junction boxes connected to conduits run to wet-niche and no-niche luminaires (fixtures), and the field wiring compartments of dry-niche luminaires (fixtures), shall be installed using listed and approved rigid metal conduit, intermediate metal conduit, or rigid nonmetallic conduit.

Exception: Electrical metallic tubing shall be permitted to be used to protect conductors, when installed within buildings.

**SECTION 680.33**

Section 680.33 - Revise to read as follows:

**680.33 Storable Pool Luminaires (Lighting Fixtures).** Luminaires (lighting fixtures) for storable pools shall not be permitted.

**SECTION 680.41**

Section 680.41 - Revise section by deleting the last sentence.

**SECTION 680.42**

Subsection 680.42(A)(1) - Revise subsection by deleting the words "liquidtight flexible nonmetallic conduit" throughout.

**ARTICLE 682**

**Natural and Artificially Made Bodies of Water**

**SECTION 682.1**

Section 682.1 - Add the words "and water parks" at the end of the section.

**SECTION 682.2**

Section 682.2 - Add the words "and water parks" at the end of the first sentence of the definition of "Artificially Made Bodies of Water".

**SECTION 682.13**

Section 682.13 - In the first sentence delete the words "or liquidtight flexible nonmetallic conduit".

**ARTICLE 690**

**Solar Photovoltaic Systems**

**SECTION 690.1**

Section 690.1 - At the end of the section add the following:

A detailed diagram of the photovoltaic system must be made available upon request of the department.

**ARTICLE 695**

**Fire Pumps**

**SECTION 695.1**

Subsection 695.1(A)(3) - Add a new subsection 695.1(A)(3) to read as follows:

(3) Modification of existing fire pump power supply.

**SECTION 695.2**

Section 695.2 - After the first definition, "Fault Tolerant External Control Circuits", add two new definitions to read as follows:

**Fire Pump.** For the purposes of this section, a fire pump is any Manual Standpipe Fire Pump, Automatic Standpipe Fire Pump, Sprinkler Booster Pump, Special Service Fire Pump, Spray Mist Fire Pump or Foam Fire Pump located at or below street level or with a motor rating exceeding 30hp.

**Limited Service Fire Pump.** For the purposes of this section, a Limited Service Fire Pump is a fire pump located above street level with a motor rating not exceeding 30hp and connected to a limited service fire pump controller.

Revise the third definition, "On-Site Standby Generator", to read as follows:

**On-Site Emergency Generator.** An on-site facility producing electric power as the alternate supply of electric power meeting the requirements of Article 700.

After the last definition, "On-Site Standby Generator", add a new definition to read as follows:

**Sprinkler booster pump.** For the purposes of this section, a Sprinkler Booster Pump is a fire pump installed in J-2 occupancies, where a minimum of 5 psig is maintained at the highest line of sprinklers, that complies with the definition of Limited Service Fire Pump.

**SECTION 695.3**

Subsection 695.3(B) - Revise to read as follows:

(B) **Multiple Sources.** Where required by the New York City Construction Codes, power from sources described in 695.3(A) shall be supplied from an approved combination of two or more such sources or an approved combination of one such source and an on-site emergency generator. The on-site emergency generator, complying with this section, shall be of sufficient capacity to allow normal starting and running of the motor(s) driving the fire pump(s) while supplying all other simultaneously operated loads. Optional standby loads shall be automatically shed when necessary to ensure the proper starting and operation of the fire pump.

Subsection 695.3(C) - Add a new subsection 695.3(C) to read as follows:

(C) **Multiple Independent Sources.** Two or more feeder sources routed separately to the building and independently operated may be permitted for compliance with this section, as approved by the commissioner, where the reliability of the sources can be demonstrated.

**SECTION 695.4**

Section 695.4 - Revise to read as follows:

**695.4 Continuity of Power.** Circuits that supply electric motor-driven fire pumps shall be supervised from inadvertent disconnection in accordance with (A) or (B) below.

(A) **General.** Each utility and generator supply circuit that supplies an electric motor-driven fire pump or limited service fire pump shall be supplied from a single dedicated service disconnecting means and associated overcurrent protective device installed between the power source and one of the following:

- (1) A listed fire pump controller
- (2) A listed fire pump power transfer switch
- (3) A listed combination fire pump controller and power transfer switch

Exception 1: The service conductors may directly connect the power source to either the listed fire pump controller or combination fire pump controller and power transfer switch where available short circuit current is less than the rating of the fire pump controller or combination fire pump controller and power transfer switch.

Exception 2: Where a limited service fire pump is connected to an emergency generator in addition to the electric utility source, the disconnecting means for either source is not required to be a service disconnecting means.

Exception 3: Where the building service disconnecting means consists of multiple utility sources over 600 volts arranged through transformers to supply a network secondary, a disconnecting means connected to the network complies with the requirements of this section.

(B) **Disconnecting Means and Overcurrent Protection**

(1) **Utility Service.** Fire pumps and limited service fire pumps shall have overcurrent protection selected as to allow the operation of the fire pump for as long as the fire pump remains capable of running, except where direct connection is made in accordance with 695.4(A)(3) Exception 1:

(1) **Fire Pump.** Fire pump overcurrent protection shall be selected at between 300 percent and 600 percent of motor full load current.

(2) **Limited Service Fire Pump.** Limited service fire pumps shall be protected by overcurrent devices selected at 150 percent of motor full load current. The next larger available device size may be used where selection results in a non-standard device size.

(3) **Disconnecting means** shall be listed to accept the selected overcurrent device with no modification.

(2) **Generator Supply.** When required to be connected to an emergency generator, fire pumps and limited service fire pumps shall have overcurrent protection selected in accordance with the following, except where direct connection is made in accordance with 695.4(A)(3) Exception 1:

(1) **Fire Pump.** Fire pumps shall be protected by an over current device selected at not less than 150 percent and not more than 300 percent of motor full load current.

(2) **Limited Service Fire Pump.** Limited service fire pumps shall be protected by an overcurrent device selected at 150 percent of motor full load current. The next larger available size may be used where selection results in a non-standard size.

(3) **Disconnecting means** shall be listed to accept the selected fuse or circuit breaker trip with no modification.

(4) A tap ahead of the on-site emergency generator disconnecting means shall be required for the fire pumps.

Exception: Where multiple generators operate in parallel, the fire pump tap may be made on the parallel distribution bus.

(3) **Disconnecting Means.** The disconnecting means shall comply with the following:

(1) Be identified as suitable for use as service equipment.

(2) Be lockable in the closed position. Locking provisions shall remain in place with or without an installed lock.

(3) Not located within equipment that feeds loads other than the fire pump.

(4) Be located as remote as practicable from other service disconnecting means with a minimum separation of 305mm (12 in.).

Exception: (1), (3), and (4) shall not apply to fire pumps and limited service fire pumps connected to emergency generators.

(4) **Disconnect Marking.** The disconnecting means shall be marked "Fire Pump - Do Not Disconnect". The letters shall be at least 25mm (1 in.) in height, and they shall be visible without opening enclosure doors. Disconnecting means shall be red in color.

(5) **Controller Marking.** A placard shall be placed adjacent to the fire pump controller stating overcurrent setting at 300 percent of motor full load current, the location of the disconnecting means, and the location of the key (if the disconnecting means is locked).

(6) **Supervision.** The power continuity shall be supervised by one of the following:

(1) Central station signals confirming power source availability and pump running where central station connection is provided as required by building occupancy or use.

(2) Local signaling device, audible and visual, for power source availability and pump running which is activated at a continuously attended location where central station connection is not otherwise required.

#### SECTION 695.5

Section 695.5 - Revise to read as follows:

##### 695.5 Accessory Equipment

(A) **Transformers.** Where the service or system voltage is different from the utilization voltage of the fire pump motor, a transformer protected by disconnecting means and overcurrent devices shall be permitted to be installed between the system supply and the fire pump controller in accordance with the following.

(1) **Size.** Transformers shall be rated at a minimum of 125 percent of the sum of the fire pump motor(s) and pressure maintenance pump(s) motor loads, and 100 percent of the remaining load supplied by the transformer.

(2) **Overcurrent Protection.** Primary disconnecting means and overcurrent devices shall be selected in accordance with 695.4(B)(1). Secondary disconnecting means and overcurrent devices shall not be permitted.

(3) **Feeder Source.** The feeders on the primary and secondary of the transformer shall be sized in accordance with the requirements of 695.6 adjusted for the primary and secondary voltage.

(B) **Utility Meters.** Metering of fire pumps shall be current transformer driven or bypass type such that meter removal will not interrupt service to the fire pump. Metering may be dedicated to the fire pump or coincident with other building power use.

(C) **Rectifiers.** Rectifiers may be used to supply existing DC fire pump installation in accordance with the following.

(1) **Size.** Where a rectifier supplies an existing DC electric fire pump, it shall be rated at a minimum of 125 percent of the fire pump full load current plus 100 percent of the full load current of all other equipment connected to the rectifier.

Exception: If largest motor is other than the fire pump, rectifier shall be sized at 125 percent of the largest motor and 100 percent of all other equipment.

(2) **Overcurrent Protection.** The primary disconnecting means and overcurrent device shall be rated at 150 percent of the rectifier full load current. The DC fire

pump shall be supplied by a dedicated connection on the secondary of the rectifier. Disconnecting means and overcurrent devices shall not be permitted.

(3) **Feeder Source.** The feeders on the primary and secondary of the rectifier shall be sized in accordance with the requirements of 695.6 adjusted for the primary and secondary voltage.

(4) **Other Loads.** Rectifiers installed to supply existing DC fire pumps shall be permitted to supply other loads. Rectifier capacity shall be increased in accordance with 695.5(C)(1). Each DC supply shall include a disconnecting means and overcurrent device sized in accordance with applicable sections of the code.

#### SECTION 695.6

Section 695.6 - Revise to read as follows:

**695.6 Power Wiring.** Power circuits and wiring methods shall comply with the requirements in 695.6(A) through (E), and as permitted in 230.90(A), Exception 4; 230.94, Exception 4; 230.208; 240.4(A); 240.13 and 430.31.

(A) **Supply Conductors:** Fire pump and limited service fire pump supply conductors shall be physically routed outside a building(s) and shall be installed as service entrance conductors. Where supply conductors cannot be physically routed outside buildings, routing through buildings is permitted where installed in accordance with Section 230.6(1), (2), (4) or (5).

Exception: The supply conductors located in the electrical service room and generator room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistive rating.

##### (B) Circuit Conductors:

(1) **Fire Pumps.** Fire pump supply conductors, including emergency supply conductors where emergency power is provided, on the load side of the final disconnecting means and overcurrent device shall be kept entirely independent of all other wiring. They shall supply only loads that are directly associated with the fire pump system, and shall be protected to resist potential damage by fire, structural failure, or operational damage. They shall be permitted to be routed through a building(s) using one of the following methods:

(1) Encased in a minimum of 50mm (2 in.) concrete using rigid metal conduit (steel RMC), intermediate metal conduit, electrical metallic tubing or schedule 80 non-metallic conduit.

(2) Rigid metal conduit (steel RMC) within an enclosed construction dedicated to the fire pump circuit(s) having a minimum of a 2-hour fire resistance rating.

(3) A listed electrical circuit protective system with a minimum 2-hour fire resistance rating. The installation shall comply with any restrictions provided in the listing of the electrical circuit protective system.

Exception: The supply conductors located in the electrical service room and generator room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistive rating.

(2) **Limited Service Fire Pumps.** Limited service fire pump supply conductors shall be installed in rigid metal conduit (steel RMC) or intermediate metal conduit (steel IMC).

Exception: Where there are multiple sources of supply with means of automatic transfer from one source to the other, electrical metallic tubing (EMT) shall also be permitted.

(C) **Conductor Size.** Conductors supplying a fire pump or a limited service fire pump shall have a rating not less than 125 percent of the full load current of the pump motor selected at no greater than 75 degrees operating temperature of the conductor type used.

(D) **Overload Protection.** See 695.5(C)(2) for overload protection requirements.

(E) **Pump Wiring.** All wiring from the controllers to the pump motors shall be in rigid metal conduit (steel RMC) or have a minimum 1-hour fire separation or fire resistance rating.

Exception No. 1: Liquidtight flexible metal conduit (maximum of 915mm (36 in.)) is permitted for final connection to motor terminal housing.

Exception No. 2: Intermediate metal conduit (steel IMC) and electrical metallic tubing (EMT) shall be permitted for limited service fire pumps.

#### SECTION 695.10

Section 695.10 - Revise to read as follows:

**695.10 Listed Equipment.** Diesel engine driven fire pump controllers, electric fire pump controllers, electric motors, fire pump transfer switches, foam pump controllers, and limited service controllers shall be listed and approved for fire pump use.

#### SECTION 695.14

Subsection 695.14(E) - Revise to read as follows:

(E) **Electric Fire Pump Control Wiring Methods.** All electric motor driven fire pump control wiring shall be in rigid metal conduit, intermediate metal conduit, liquidtight flexible metal conduit or Type MI cable.

Exception: Electrical metallic tubing (EMT) shall be permitted for limited service fire pump control wiring.

Subsection 695.14(F) - Add an Exception to read as follows:

Exception: Electrical metallic tubing shall be permitted for limited service fire pump control wiring where provided with emergency generator supply.

### CHAPTER 7

#### SPECIAL CONDITIONS

##### ARTICLE 700

##### Emergency Systems

##### SECTION 700.1

Section 700.1 - Delete FPN Nos. 2, 3, 4 and 5 and revise second sentence to read as follows:



Emergency systems are lighting, fire protection and power systems legally required and classed as emergency by any governmental agency having jurisdiction.

#### SECTION 700.4

Subsection 700.4(A) - Revise to read as follows:

(A) **Acceptance Test.** A licensed professional shall submit to the department a testing report of the completed system upon installation from an authorized testing entity.

Subsection 700.4(E) - Revise to read as follows:

(E) **Installation Test Requirements.** The installation test shall be conducted and documented in accordance with NFPA 110-2005, Section 7-13, amended as follows:

7.13.3: Delete in its entirety.

7.13.4.1(5): Add at the end of (5): Time to initial load transfer shall not exceed 10 seconds.

7.13.4.1(11): Revise to read as follows: The load test with building load or other loads that simulate intended load shall continue for 2 hours observing and recording load changes and the resultant effect on voltage and frequency.

7.13.10.2: Delete and replace with the following: The complete crank/rest cycle shall consist of 3-15 second crank cycles with 15 second rest periods between cranks.

7.13.13: Add a new paragraph to read as follows: Transfer switches shall be tested in accordance with 8.4.6 as modified herein.

Subsection 700.4(F) - Add a new subsection 700.4(F) to read as follows:

(F) **Maintenance and Operational Testing.** Maintenance and operational testing shall be performed and documented in accordance with NFPA 110-2005, Section 8, amended as follows:

8.1.2: Delete in its entirety.

8.2: Delete in its entirety.

8.3.1: Delete the following text from the end: "...for the type and for the time duration specified for the class."

8.3.4: Delete and replace with the following: A written record of the EPSS inspection, tests, exercising, operation, and repairs shall be maintained on premises and made available to the department on request. Records shall be inclusive of the transfer switches and storage batteries.

8.4.4.1: Add a new sentence to read as follows: Inspection shall consist of examination of all EPSS components for leaks, abnormal device position and of all alarm/trouble indicators.

8.4.5: Delete in its entirety.

8.4.6: Replace "monthly" with "semi-annually".

8.4.6.1: Replace "monthly" with "semi-annually".

#### SECTION 700.5

Subsection 700.5 (B) - Delete third paragraph of subsection 700.5(B), revise the first paragraph of such subsection and add a FPN to read as follows:

The alternate power source shall be permitted to supply emergency and optional standby system loads where the source has adequate capacity or where automatic selective load pickup and load shedding is provided as needed to ensure adequate power to (1) emergency circuits and (2) optional standby circuits, in that order of priority. The alternate power source shall be permitted for peak load shaving, provided the above conditions are met.

FPN: Peak reduction program may require utility approval.

#### SECTION 700.6

Subsection 700.6 (E) - Add a new subsection 700.6(E) to read as follows:

(E) **Mechanical Operation.** Means shall be provided to mechanically operate the switch without hazard to personnel.

Subsection 700.6 (F) - Add a new subsection 700.6(F) to read as follows:

(F) **Temporary Connections for Portable Generators.** Temporary connection of a portable generator without transfer equipment shall be permitted where qualified persons maintain and supervise service of the installation and where the normal supply is physically isolated by a lockable disconnect means or by disconnection of the normal supply conductors. Portable generators shall not be paralleled except by special permission.

Subsection 700.6 (G) - Add a new subsection 700.6(G) to read as follows:

(G) **Permanent Connections for Portable Generators.** Where a permanent installation is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of connection for the portable generator. Capacity shall not exceed the capacity of the permanent installation.

#### SECTION 700.7

Section 700.7 - Revise to read as follows:

Audible and visual signal devices shall be provided at a continuously supervised location for the following purposes:

#### SECTION 700.9

Subsection 700.9(A) - At the end of the subsection add the following:

All accessible raceways, boxes and enclosures (including transfer switches, generators and power panels) for emergency circuits shall be permanently marked so they will be readily identified as a component of an emergency circuit or system. Accessible raceways shall be marked at least once every 3 m (10 ft). Acceptable means of marking shall include, but is not limited to, a permanently affixed identification nameplate, yellow in color with black lettering.

Subsection 700.9(B) - Revise Exception to (5)(b) to read as follows:

Exception to (5)(b): Overcurrent protection shall be permitted at the source for the equipment, provided the overcurrent protection is selectively coordinated in the overcurrent range with the downstream overcurrent protection.

#### SECTION 700.10

Section 700.10 - Add a new section 700.10 to read as follows:

#### 700.10 Conductors for Emergency Circuits.

(A) **Ampacity.** See 445.13.

(B) **Installation of Generator Conductors.** Generator conductors shall be installed in accordance with the requirements of Article 230.

(C) **Overcurrent Devices.** There shall be no limit to the number of overcurrent devices connected to the generator terminal devices.

(D) **Fire System Pumps.** Fire system pumps or fire protection pumps requiring connection directly to the emergency generator as defined in the New York City Construction Codes shall be connected as follows:

(1) Circuits supplying fire system pumps shall be connected directly to the emergency generator with only one overcurrent protective device which shall be rated at not less than 150 percent and not more than 600 percent of the pump full load current.

Exception: Limited service fire pumps shall be protected by an overcurrent device selected at 150 percent of motor full load current. The next largest available device size may be used where selection results in a non-standard device size.

(2) Where multiple generators are paralleled, the connection for the fire system pumps shall be taken from the generator paralleling bus.

Exception: Limited service fire pumps are not required to be directly connected to the emergency generator and may have additional overcurrent protective devices.

(3) Conductors and transformers feeding the system shall be sized at 125 percent of the pump full load current.

(4) Separate circuits shall be used for each fire system pump.

(E) **Alarm Systems.** All building-wide fire alarm systems shall be provided with a dedicated transfer switch and be directly connected to the emergency generator overcurrent protective devices as follows:

(1) 208/120V systems-by a dedicated fused disconnecting means.

(2) 460/265V systems-by a dedicated fused disconnecting means with fused disconnecting means on the secondary of the associated transformer.

#### SECTION 700.12

Section 700.12 - Revise the fourth paragraph, add a new Exception to read as follows and delete the FPNs:

Fire, sprinkler, standpipe, smoke detection, oxygen, nitrous oxide and other alarm or extinguishing systems shall be connected to the line side of the service equipment and shall have separate overcurrent protection.

Exception: Such systems installed for local area protection only, may connect ahead of the supply to the area protected.

Subsection 700.12(A) - Revise the first paragraph and add a FPN to read as follows:

Storage batteries may be used as a source of power for emergency lighting systems and shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of 1½ hours, without the voltage applied to the load falling below 87½ percent of normal. Storage batteries may be used for other emergency systems only where special permission is granted for such use.

FPN: See Article 760 for additional information on the use of batteries for fire alarm systems.

Subsection 700.12(B)(2) - Revise first sentence and add a FPN to read as follows:

Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided sufficient for not less than 6 hours of operation at full demand load.

FPN: Some installations may require more than 6 hours of fuel supply. See Articles 517 and 708.

Subsection 700.12(B)(6) - Revise to read as follows:

(6) **Outdoor Generator Sets.** Where an outdoor generator set is permanently installed and is equipped with a disconnecting means and such generator set is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors pass through the building or structure. Appropriate signage shall be provided at the generator set and at the first disconnecting means within the building or structure supplied.

Subsection 700.12(B)(7) - Add new subsection 700.12(B)(7) to read as follows:

(7) **Temporary Generators.** The equipment grounding conductor(s) of the derived system shall be bonded to the grounding electrode system.

FPN: See 250.34 for grounding of generator frame.

(a) **Separately Derived System.** Where a temporary portable generator is a separately derived system, it shall be grounded in accordance with 250.30.

(b) **Not A Separately Derived System.** Where a temporary portable generator is not a separately derived system, a grounding connection shall not be made to the grounded circuit conductor.

Subsection 700.12(C) - Revise to read as follows:

(C) **Uninterruptible Power Supplies.** Uninterruptible power supplies may be used to provide power for emergency systems only where special permission is granted for such use.

Subsection 700.12(D) - Revise the first sentence of subsection to read as follows:

Where acceptable to the commissioner as suitable for use as an emergency source, a second service independent of the source normally supplying the building shall be permitted.

Subsection 700.12(E) - Delete the subsection in its entirety.

#### SECTION 700.26

Section 700.26 - Revise to read as follows:

**700.26 Ground Fault Protection of Equipment.** The alternate source for emergency systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the emergency source shall be provided pursuant to 700.7(D).

**SECTION 700.27**

Section 700.27 - Revise to read as follows:

**700.27 Coordination.** Emergency system(s) overcurrent devices shall be selectively coordinated in the overcurrent range with all supply side overcurrent protective devices.

**SECTION 700.30**

Section 700.30 - Add a new section 700.30 under a new part "VII Grounding" to read as follows:

**VII. Grounding**

**700.30 General.** Grounding shall be in accordance with the provisions of Article 250.

**SECTION 700.31**

Section 700.31 - Add a new section 700.31 to read as follows:

**700.31 Control Circuits.**

(A) **Grounding.** Low voltage control circuits and DC control circuits derived from engine generator starting batteries shall have one leg grounded.

(B) **Arrangements.** Control circuits shall be arranged so that an additional accidental ground shall not cause operation of the connected devices.

(C) **Return Path.** Control circuits shall not make use of the equipment grounding conductor as a circuit path.

**ARTICLE 701**

**Legally Required Standby Systems**

**ARTICLE 701**

**Legally Required Standby Systems** - Delete the article in its entirety and add a FPN to read as follows:

FPN: All legally required standby systems are classified as emergency systems.

**ARTICLE 702**

**Optional Standby Systems**

**SECTION 702.6**

Section 702.6 - At the Exception, add a second sentence to read as follows:

Portable generators shall not be paralleled with permanent optional standby sources, except by special permission.

**SECTION 702.12**

Section 702.12 - Add a new section 702.12 to read as follows:

**702.12 Portable and Temporary Generators.** Portable and temporary generators shall comply with 700.6(G) and 700.12(B)(7).

**ARTICLE 705**

**Interconnected Electric Power Production Sources**

**SECTION 705.40**

Section 705.40 - Add a new paragraph after the first paragraph to read as follows:

Special detection methods shall be required to determine that a primary source supply system outage has occurred, and whether there should be automatic disconnection. When the primary source supply is restored, special detection methods shall be required to limit exposure of power production to out-of-phase reconnection.

Delete the Exception in its entirety.

Delete FPN No.1 in its entirety.

**SECTION 705.42**

Section 705.42 - Delete the words "or legally required standby" from the last sentence and delete the Exception in its entirety.

**ARTICLE 708**

**Critical Operations Power Systems (COPS)**

**ARTICLE 708**

**Critical Operations Power Systems (COPS)** - Re-designate FPN as FPN No.2 and add FPN No.1 to read as follows:

FPN No.1: Determination of a Designated Critical Operations Area (DCOA) and the Critical Operations Power Systems (COPS) needed in its support shall be made by the local, state or federal authority having jurisdiction (AHJ) over the operation. Such authority will establish the basis for the risk assessment, confirm acceptability of the mitigation strategy and determine compliance with the requirements of this article.

**ARTICLE 725**

**Class 1, Class 2, and Class 3 Remote-Control, Signaling, and Power-Limited Circuits**

**SECTION 725.2**

Section 725.2 - Revise the first definition, "Abandoned Class 2, Class 3, and PLTC Cable" and FPN as follows:

**Abandoned Class 2, Class 3 and PLTC Cable.** Installed Class 2, Class 3 and PLTC Cable that are not terminated at equipment and not identified for future use with a tag at each end identifying the location of the opposing end.

FPN Replace "725.21" with "725.41".

**SECTION 725.3**

Subsection 725.3(C) - Revise the Exception to read as follows:

Exception: Type CL2P or Type CLP3P cables shall be permitted for Class 2 and Class 3 circuits installed in other spaces used for environmental air in accordance with 725.154(A).

**SECTION 725.24**

Section 725.24 - Revise the third sentence and add a new FPN to read as follows:

Such cables shall be supported by approved non-combustible straps, staples, cable ties, hangers or similar fittings and related installation accessories designed and installed so as not to damage the cables.

FPN: Exposed wiring is intended to be securely held in place to avoid entanglement of fire response personnel during fire conditions.

**SECTION 725.25**

Section 725.25 - Revise the title to read as follows:

**Abandoned Cables, Power Sources and Other Associated Equipment.**

Add an additional sentence at the end of the paragraph to read as follows:

Abandoned Cables, Power Sources and other associated equipment shall be removed. Power sources and other associated equipment not tagged for future use shall be de-energized.

**SECTION 725.127**

Section 725.127 - Revise the Exception by replacing "14 AWG" with "12 AWG."

**SECTION 725.130**

Section 725.130(A) - Delete Exception No. 2 and the FPN in their entirety.

**SECTION 725.136**

Section 725.136 - Delete the words "non-power limited fire alarm".

Subsection 725.136(B) - Delete the words "non-power limited fire alarm".

Subsection 725.136(C) - Delete the words "non-power limited fire alarm".

Subsection 725.136(D) - Delete the words "non-power limited fire alarm".

Subsection 725.136(H) - Delete the words "rigid nonmetallic conduit," and "liquidtight flexible nonmetallic conduit,".

**SECTION 725.139**

Section 725.139(E)(1) - Delete the subsection in its entirety.

**SECTION 725.154**

Section 725.154(A) - Revise the title and first and second sentences to read as follows:

(A) **Spaces Used For Environmental Air.** Cables installed in spaces used for environmental air shall be Class CL2P or CL3P. Cables shall not be installed in ducts or plenums.

**ARTICLE 727**

**Instrumentation Tray Cable: Type ITC**

**SECTION 727.4**

Section 727.4 - Revise to read as follows:

**727.4 Uses Permitted.** Where approved, Type ITC cable shall be permitted to be used as follows in industrial establishments where conditions of maintenance and supervision ensure that only qualified persons will service the installation:

(1) In cable trays.

(2) In raceways.

(3) In hazardous locations as permitted in 501.10, 502.10, 503.10, 504.20, 504.30, 504.80 and 505.15.

(4) Enclosed in a smooth metallic sheath, continuous corrugated metallic sheath, or interlocking tape armor applied over the nonmetallic sheath in accordance with 727.6. The cable shall be supported and secured at intervals not exceeding 1.83m (6 ft).

(5) Between cable tray and equipment in lengths not to exceed 7.62 m (25 ft), where the cable complies with the crush and impact requirements of Type MC cable and is identified for such use. The cable shall be supported and secured at intervals not exceeding 1.83m (6 ft).

**ARTICLE 760**

**Fire Alarm Systems**

**SECTION 760.1**

Section 760.1 - Revise FPN No. 1 by deleting the words "guard's tour," in first sentence and revise the last sentence to read as follows:

For further information on the installation and monitoring of integrity requirements for fire alarm systems, refer to NFPA 72, National Fire Alarm Code, 2002 edition.

Add a new FPN No. 3 to read as follows:

FPN No. 3: See Section BC 907 of the NYC Building Code for components description and use.

**SECTION 760.2**

Section 760.2 - At the end of the definition of "Abandoned Fire Alarm Cable" add the following words: "However, a tag shall be securely fixed to each end indicating location of opposing end."

**SECTION 760.3**

Subsection 760.3(B) - Delete the subsection in its entirety.

Subsection 760.3(F) - Revise to read as follows:

(F) **Optical Fiber Cables.** Where optical fiber cables are utilized for fire alarm circuits, the cables shall be supervised and installed in raceway per Articles 342, 344 or 358 in accordance with Article 770 and terminated in equipment listed for fire alarm use.

Subsection 760.3(G) - Revise to read as follows:

(G) **Installations of Conductors with Other Systems.** Installations shall comply with 300.8 and 760.136.

**SECTION 760.24**

Section 760.24 - Add the following words at the end of the paragraph: "Raceways, where installed shall be minimum 1.9cm (3/4 in.) trade size. See 760.52 and 760.131 for installations requiring raceways."

**SECTION 760.25**

Section 760.25 - Add the following words at the end of the paragraph: " and securely fixed to each end indicating location of opposing end."

**SECTION 760.32**

Section 760.32 - Revise to read as follows:

**760.32 Fire Alarm Circuits Extending Beyond One Building.** Power-limited fire alarm circuits that extend beyond one building and run outdoors shall be installed in raceway in accordance with Articles 342 or 344. Non-power limited fire alarm circuits that extend beyond one building and run outdoors shall meet the installation requirements of Part 1 of Article 300 and the applicable sections of Part 1 of Article 225 and shall be installed in raceway in accordance with Article 342 or 344.

**SECTION 760.33**

Section 760.33 -Add a new section 760.33 to read as follows;

**760.33 Fire Alarm Circuit and Equipment Grounding.** Fire alarm circuits and equipment shall be grounded in accordance with Article 250 and shall comply with the following requirements:

(A) **Grounding Electro Conductor.** A grounding electrode conductor shall be sized and installed in accordance with Article 250, Table 250.66, using a minimum of 10 AWG, at the primary and secondary power source supplying the fire alarm system.

(B) **Equipment Grounding Conductor.** A separate green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122, using a minimum of 10AWG, where there are conduits supplying 120V to the fire command center, control unit or distributed control cabinets.

(C) **Grounding Separately Derived Supply.** A green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122, using a minimum of 10 AWG, in distributed cabinets where the 120V supply is not derived from the main fire alarm power supply. In steel framed buildings, an additional connection to local steel shall be permitted.

**SECTION 760.41**

Section 760.41- Delete the section in its entirety and replace to read as follows:

**760.41 Power Source Requirements.** The power source for fire alarm circuits shall comply with the following:

(A) **Primary Power Source.** All fire alarm circuits shall be provided with a primary power source. The primary power source shall be generated electric power not exceeding 277/480 volts, supplied by utility company power or isolated plant. The primary power supply to the fire alarm system shall comply with the following:

(1) **Primary Power Supply for the Fire Alarm System.** Primary power supply for the fire alarm system shall be connected to the primary power source ahead of all building service disconnecting means so that the building service disconnecting means can be opened without de-energizing the fire alarm supply. All utility metering of the fire alarm system, including disabling or removal of meters, shall maintain power continuity to the fire alarm system at all times.

(2) **Limited Interior Fire Alarm Systems.** Primary power supply for sub-systems or other limited interior fire alarm systems may be connected to the power supply through the protected area of such systems by means of a connection ahead of the disconnecting means for the power supply to the protected area.

FPN: Sub-systems and limited interior fire alarm systems may also use the connected means defined in paragraph (1) where available.

(B) **Secondary Power Source.** Where an emergency power system is provided or required to be provided for emergency system loads, the fire alarm circuits shall be provided with a secondary power source. Batteries shall not be a substitute for connection to a secondary power source. The secondary power source shall comply with the requirements for emergency power systems and/or emergency generator that are used for emergency systems loads as articulated below:

(1) **Generally.** Emergency power systems complying with Chapter 27 of the 2008 Building Code shall be permitted to serve as a secondary power source or

(2) **Existing Buildings.** Emergency power systems and/or emergency generators in existing buildings in compliance with Title 27, chapter 1, subchapter 6, section 27-396.4 of the Administrative Code (also referred to as the 1968 Building Code) shall be permitted to serve as the secondary power source.

The secondary power supply shall be connected such that all other disconnecting means serving other building emergency loads can be opened without de-energizing the facility fire alarm secondary power supply.

FPN: The use of a main disconnecting means on the output of the generator(s) is permitted where the disconnection of all other loads does not interrupt the facility fire alarm system secondary power supply.

(C) **Battery.** Regardless of whether a secondary power source is also provided, each fire alarm system and subsystem shall be equipped with a storage battery power supply sized to meet the operating power requirements of the system in accordance with (1), (2) or (3) below and shall automatically connect to and operate the fire alarm system upon failure of the primary or secondary power supply or sources. Batteries shall not be a substitute for connection to a secondary power source when a secondary power source is required pursuant to subsection (B) above.

(1) **With Voice Communications Capability.** Supervisory operation for 24 hours followed by full load operation for 6 hours for systems with voice communications capability.

FPN: A 45 minute period of voice and alarm operation at the maximum connected load shall be considered equivalent to 6 hours of total system operation.

(2) **Without Voice Communications Capability.** Supervisory operation for 24 hours followed by full load operation for 15 minutes for systems without voice communications capability.

(3) **Sub-systems or Other Limited Interior Fire Alarm Systems.** Supervisory operation for 24 hours followed by full load operation for 5 minutes for sub-systems or other limited interior fire alarm systems operating within a facility that reports to the overall facility fire alarm system.

(D) **Arrangement of Power Sources.** One source of power shall be connected to the fire alarm system at all times. The primary and secondary power sources shall be arranged and controlled by automatic transfer switches dedicated to the fire alarm system such that the secondary source will be automatically connected to the fire alarm system should the primary power source fail. The following conditions shall be observed:

(1) **Intermediary devices between the fire alarm system power supply and the power source, other than fused disconnect switches, transformers and automatic transfer switches are prohibited.** Such disconnect switches, transformers and automatic transfer switches shall supply only the fire alarm system and other systems specifically permitted by applicable New York City rules and regulations.

(2) **The primary and secondary power source shall each be provided with a means of disconnect from the fire alarm system.** Each disconnect shall consist of a fused disconnect switch, locked in the ON position and the key shall be kept on premises and made accessible only to authorized personnel. Such disconnect shall be painted red and permanently identified as a fire alarm circuit and labeled as to system/location served, with a means of interrupting the unfused grounded and all ungrounded conductors.

(3) **The fire alarm system fused disconnect switch on the transformer secondary side shall comply with the requirements of the primary and secondary power source fused disconnect switches pursuant to Article 240.**

(4) **For buildings served at up to 300 volts to ground, the service voltage shall be transformed to 208/120 volts and a fire alarm fuse disconnect provided within a circuit length of ten (10) feet, shall be connected at the transformer secondary on the 208/120 volt side. Fused cutouts shall be provided where multiple circuits are required to support the fire alarm system and related auxiliaries mounted in a fused cutout panel suitable for the number of circuits needed.**

**SECTION 760.43**

Section 760.43 - Revise the first sentence by replacing "14 AWG" with "12 AWG" and delete the last sentence.

**SECTION 760.45**

Section 760.45 - Delete the Exceptions and the FPN in their entirety.

**SECTION 760.46**

Section 760.46 -Revise to read as follows:

**760.46 NPLFA Circuit Wiring.** Installation of non-power limited fire alarm circuits shall be in accordance with applicable portions of 110.3(B), 300.7, 300.15, 300.17 and other appropriate articles of Chapter 3 using raceway methods described in 342 and 344 or use Type MI Cable in accordance with 332.

Exception No. 1: As provided in 760.48 through 760.53.

Exception No. 2: Where other articles of this Code require other methods.

**SECTION 760.48**

Subsection 760.48(A) -Revise to read as follows:

(A) **NPLFA Circuits.** Non-power limited fire alarm circuit conductors shall not be permitted to occupy the same cable, enclosure or raceway with circuit conductors of other systems.

Subsection 760.48(B) -Revise to read as follows:

(B) **Fire Alarm with Power-Supply Circuits.** Power supply and fire alarm circuit conductors shall be permitted in the same enclosure only where connected to the same equipment.

**SECTION 760.49**

Subsection 760.49(A) -Revise to read as follows:

(A) **Sizes and Use.** Only copper conductors size 12 AWG and larger shall be permitted to be used as NPLFA circuit conductors.

Subsection 760.49(B) -Delete the FPN in its entirety and revise to read as follows:

(B) **Insulation.** Insulation on conductors shall be suitable for 600 volts, 90 degrees C, and shall comply with Article 310. Conductors shall be Type THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW2, XHH, XHHW, MI or CI-NYC Certified Cable. Application of conductor ampacity shall be in accordance with 110.14 for terminal device ratings.

Subsection 760.49(C) - Revise to read as follows:

(C) **Conductor Materials.** Conductors shall be solid copper up to size 10 AWG. Stranded copper conductors shall be used for sizes 8 AWG and larger.

**SECTION 760.51**

Subsection 760.51(A) - Delete the words "and Class 1 Circuits" in title and "and Class 1 circuit" in text.

Subsection 760.51(B) - Delete the subsection in its entirety.

Subsection 760.51(C) -Revise to read as follows:

(C) **Cable Trays.** Where non-power limited fire alarm circuit conductors are installed in cable trays, they shall comply with 392.9 through 392.11 and shall be barriered from any other wiring installed in the cable tray

**Section 760.52**

Section 760.52 - Add a new section 760.52 to read as follows:

**760.52 Mechanical Execution of Work.** Installation shall comply with the following:

(A) **Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. All wiring installed over 2.4m (8 ft.) above the finished floor shall meet the installation requirements of Articles 332, 342, 344 or 358.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

(B) **Installation.** Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways installed up to 2.4m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.

#### **SECTION 760.53**

Section 760.53 - Delete the section in its entirety and replace to read as follows:

**760.53 Fire Alarm Circuit Integrity (CI) Cable.** Cables suitable for use in fire alarm systems to ensure survivability of critical circuits during a specified time under fire conditions shall be listed as circuit integrity cable. Cables so identified shall have the classification "CI-NYC certified fire alarm cable"

#### **SECTION 760.121**

Subsection 760.121(A) - Delete FPN Nos. 1 and 2 in their entirety.

#### **SECTION 760.124**

Section 760.124 - Delete the FPN in its entirety.

#### **SECTION 760.127**

Section 760.127 - Delete the Exception in its entirety.

#### **SECTION 760.130**

Subsection 760.130(A) - Revise Exception No. 2 by adding "760.51" after "760.49", delete Exception No. 3 and delete the FPN in their entirety.

Subsection 760.130(B) - Revise the last sentence to read as follows:

Devices shall be installed in accordance with Sections 110.3(B), 300.11(A) and 300.15 with all wiring supported independently from the building structure.

Subsection 760.130(B)(1) - Revise to read as follows:

(1) **Exposed or Fished in Concealed Spaces.** In raceway or exposed above 2.4m (8 ft.) on the surface of ceiling and sidewalls or fished in concealed spaces, cable splices or terminations shall be made in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Where installed exposed, cables shall be supported at a maximum of 1.5m (5 ft.) spacing and installed in such a way that maximum protection against physical damage is afforded by building construction. Where located within 2.4m (8 ft.) of the floor, cables shall be installed in raceway as per Article 342, 344, 358 or 386.

Subsection 760.130(B)(2) - Revise to read as follows:

(2) **Passing Through a Floor or Wall.** In metal raceways where passing through a floor or wall to a height of 2.4m (8 ft.) above the floor, unless adequate protection can be afforded by building construction as per 760.130(B)(1) or unless an equivalent solid guard is provided.

FPN: Protection by building construction includes, but is not limited to, raised floors, shafts, telephone and communications equipment rooms and closets, and rooms used exclusively for fire alarm equipment.

Subsection 760.130(B)(3) - Delete the words "rigid nonmetallic conduit".

Subsection 760.130(B)(4) - Add a new subsection 760.130(B)(4) to read as follows:

(4) **Terminations and Splices.** Terminations and splices shall be made with terminal blocks and in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Splices shall be limited to locations where the conditions of installation require the use of splices. Splices and terminations in riser cables are prohibited except where made in fire alarm equipment terminal cabinets. Conductors shall be mechanical connections listed in accordance with UL 486 (2003) A & C or if soldered, conductors shall first be joined so as to be mechanically and electrically secure prior to soldering. Temperature rating of completed splices shall be equal to or exceed the temperature rating of the highest rated conductor.

#### **SECTION 760.131-**

Section 760.131 - Add a new section 760.131, to read as follows:

**760.131 Mechanical Execution of Work.** Installation shall conform to the following requirements:

(A) **Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

(B) **Extinguishing Systems.** Extinguishing and suppression systems activated by automatic fire detection and using fire alarm cables shall be installed pursuant to Articles 332, 342, 344 or 358. Such systems shall include, but not be limited to, pre-action sprinkler, deluge sprinkler, water mist, clean air agent, Halon, range hood, CO<sub>2</sub>, and dry chemicals.

(C) **Installation.** Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways installed up to 2.4m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.

(5) Cables shall be secured by cable ties, straps or similar fittings designed and installed so as to not damage cables. Such fittings shall be secured in place at intervals not exceeding 1.5m (5 ft.) on center and within 0.3m (1 ft.) of associated cabinet, enclosure, or box.

#### **SECTION 760.136**

Subsection 760.136(D)(2)(a) - Replace "Type FPL, FPLR, FPLP or permitted substitute cables" with "type FPLP 'NYC certified fire alarm cable'" or other NYC certified fire alarm cable".

Subsection 760.136(D)(2)(b) - Delete the subsection in its entirety.

Subsection 760.136(F) - From the first sentence, delete "rigid nonmetallic conduit" and "liquidtight flexible nonmetallic conduit".

Subsection 760.136(G)(1)(b) - Revise to read as follows:

(b) all of the power-limited fire alarm circuit conductors are in a raceway or metal-sheathed or metal-clad cables.

#### **SECTION 760.139**

Section 760.139 - Delete the section in its entirety.

#### **SECTION 760.142**

Section 760.142 - Revise to read as follows:

**760.142 Conductor Size.** Conductors shall not be smaller than 18 AWG in size.

#### **SECTION 760.143**

Section 760.143 - Revise to read as follows:

**760.143 Support of Conductors.** Power-limited fire alarm circuit conductors shall not be strapped, taped, or attached by any means to the exterior of any piping, duct, conduit, or raceway as a means of support.

#### **SECTION 760.154**

Subsection 760.154(A) - Revise to read as follows:

(A) **Cables in Other Spaces Used for Environmental Air.** Cables installed in other spaces used for environmental air, or where permitted to run exposed in other areas, shall be Type FPLP "NYC Certified Fire Alarm Cable".

Subsection 760.154(B)(1) - Replace "Type FPLR" with "Type FPLP 'NYC Certified Fire Alarm Cable' or other NYC Certified Fire Alarm Cable" in each of two locations.

Subsection 760.154(B)(2) - At the beginning of the sentence, replace "Other cables" with "FPLP 'NYC Certified Fire Alarm Cable'".

Subsection 760.154(C) - Delete the subsection in its entirety and revise to read as follows:

(C) **Other Wiring Within Buildings.** Cables installed in building locations other than those covered in 760.154(A) or (B) shall be Type FPLP "NYC Certified Fire Alarm Cable."

Subsection 760.154(D) - Revise the subsection to read as follows:

(D) **Fire Alarm Cable Substitutions.** Substitutions of Type FPLP "NYC Certified Fire Alarm Cable" or other NYC Certified Fire Alarm Cables shall not be permitted.

Delete the Figure, Table and FPN in their entirety.

#### **SECTION 760.176**

Section 760.176 (G) - Delete the first sentence of the first paragraph, the FPN and the Table in their entirety.

#### **SECTION 760.179**

Section 760.179 - Revise the title to read as follows:

**760.179 Listing and Marking of PLFA Cables and Insulated Continuous Line-Type Fire Detectors.**

Subsection 760.179(B) - Revise to read as follows:

(B) **Conductor Size.** The size of conductors in single or multi-conductor cables shall not be smaller than 18 AWG.

Subsection 760.179(D) - Delete the FPN in its entirety and revise to read as follows:

(D) **Type FPLP.** Type FPLP power-limited fire alarm cable shall be listed to UL 1424-05, Standard for Cables for Power-Limited- Fire-Alarm Circuits with the listing agency certifying compliance with the following requirements:

(1) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C.

(2) Red colored jacket overall; minimum thickness 25 mils.

(3) Cable marked as per UL 1424 must bear additional description "ALSO CLASSIFIED NYC CERT. FIRE ALARM CABLE," legible without removing jacket.

Subsection 760.179(E) - Delete the subsection in its entirety.

Subsection 760.179(F) - Delete the subsection in its entirety.

Subsection 760.179(G) - Revise by deleting "CI" from the first sentence of the first paragraph and replacing with "CI- 'NYC Certified Circuit Integrity Fire Alarm Cable'" and deleting "(E), (F)" in the second sentence of the first paragraph.

Subsection 760.179(H) - Replace "Type FPLP, FPLR, or FPL cable" at end of sentence with "Type FPLP 'NYC certified fire alarm cable'".

Subsection 760.179(I) - Delete subsection 760.179(I) and add a new 760.179(I) to read as follows:

**(I) Cable Marking.** The cable shall be marked in accordance with subsection 760.179(D)(3) and its rating as NYC Cert. Fire Alarm Cable or NYC Cert. Circuit Integrity Cable.

Subsection 760.179(J) - Delete "through (F)" in fourth line of the paragraph.

Subsection 760.179(K) - Add new subsection 760.179(K) to read as follows:

**760.179(K) Listed Fire-Rated Assemblies.** MI cable meeting the requirements of Article 332 or listed fire-rated assemblies that have a minimum fire rating of 2 hours shall be permitted when installed in accordance with the listing requirements.

#### ARTICLE 770

##### Optical Fiber Cables and Raceways

##### SECTION 770.2

Section 770.2 - Revise the definition of "Abandoned Optical Fiber Cable" to read as follows:

**Abandoned Optical Fiber Cable.** Installed optical fiber cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

##### SECTION 770.3

Section 770.3 - Revise first sentence to read as follows:

Circuits and equipment shall comply with 770.3(A), (B) and (C).

Subsection 770.3(C) - Add a new subsection 770.3(C) to read as follows:

**(C) Electric Closets.** Fiber optic circuits and equipment shall not be installed in electric closets.

##### SECTION 770.25

Section 770.25 - Revise title to read "Abandoned Cables and Power Sources." and add a new third sentence to read as follows:

Abandoned Power Sources and other associated equipment shall be removed. Power sources and other associated equipment not tagged for future use shall be de-energized.

##### SECTION 770.48

Subsection 770.48(A) - Add a new second sentence to subsection 770.48(A) to read as follows: All other cables shall be considered to be within the building.

Subsection 770.48(B) - Delete the words "Article 352, Rigid Polyvinyl Chloride Conduit: Type PVC".

##### SECTION 770.100

Subsection 770.100(A)(3) - Revise the first sentence by replacing "14 AWG" with "12 AWG".

##### SECTION 770.133

Subsection 770.133(A) - Delete the words "non-power-limited fire alarm" throughout.

Subsection 770.133(B)(2) - Delete the subsection in its entirety.

Subsection 770.133(D) - Add a new subsection 770.133(D) to read as follows:

**(D) Electric Closets.** Equipment and cabling shall not be installed in electric closets.

##### SECTION 770.154

Subsection 770.154(A) - Revise to read as follows:

**(A) Spaces Used for Environmental Air.** Cables shall not be installed in ducts or plenums. Cables installed in spaces used for environmental air shall be Type OFNP or OFCP. Abandoned cables shall not be permitted to remain. Types OFNR, OFCR, OFNG, OFN, OFCG, and OFC cables installed in compliance with 300.22 shall be permitted. Listed plenum optical fiber raceways shall be permitted in spaces used to convey environmental air or as described in 300.22(c). Only Type OFNG, and OFCP cables shall be permitted to be installed in these raceways.

#### Chapter 8

##### Communications Systems

#### ARTICLE 800

##### Communications Circuits

##### SECTION 800.2

Section 800.2 - Revise the definition of "Abandoned Communications Cable" to read as follows:

**Abandoned Communications Cable.** Installed communications cable that is not terminated at both ends at a connector or other equipment and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

##### SECTION 800.24

Section 800.24 - Revise the second sentence to read as follows:

Cables installed exposed on the surface of ceilings and sidewalls shall be supported by the building structure in such a manner that the cable will not be damaged by normal building use or present a safety hazard.

##### SECTION 800.25

Section 800.25 - Revise the title and first sentence to read as follows:

**800.25 Abandoned Cables, Power Sources & Other Associated Equipment.** The accessible portion of abandoned communications cables, power sources and other special equipment shall be removed. Cables, power sources and other special equipment not tagged for future use shall be de-energized.

##### SECTION 800.100

Subsection 800.100(A)(3) - Replace "14 AWG" with "12 AWG".

##### SECTION 800.133

Section 800.133 - Revise to read as follows:

**800.133** Communications wires, cables and equipment inside of buildings shall not be installed in electric closets and shall comply with 800.133(A) through (D).

Subsection 800.133(D) - Add a new subsection 800.133(D) to read as follows:

**(D) Electric Closets.** Communications equipment and cabling shall not be installed in Electric Closets.

##### SECTION 800.154

Subsection 800.154(A) - Revise to read as follows:

**(A) Spaces Used for Environmental Air.** Cables installed in spaces used for environmental air shall be Type CMP. Cables and raceways shall not be installed in ducts or plenums. Abandoned cables shall not be permitted to remain. Types CMP, CMR, CMG, CM, and CMX and communications wire installed in compliance with 300.22 shall be permitted. Listed plenum communications raceways shall be permitted to be installed in spaces used for environmental air as described in 300.22(C). Only Type CMP cable shall be permitted to be installed in raceways.

Subsection 800.154(F) - Add the following sentence at the end of the subsection:

Installation of hybrid power and communications cable shall be performed by licensed master or special electricians.

#### ARTICLE 810

##### Radio and Television Equipment

##### SECTION 810.58

Subsection 810.58(C) - Replace "14 AWG" with "12 AWG".

#### ARTICLE 820

##### Community Antenna Television and Radio Distribution Systems

##### SECTION 820.2

Section 820.2 - Revise the definition of "Abandoned Coaxial Cable" to read as follows:

**Abandoned Coaxial Cable.** Installed coaxial cable that is not terminated at equipment other than a coaxial connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

##### SECTION 820.25

Section 820.25 - Revise to read as follows:

**820.25 Abandoned Cables.** The accessible portion of abandoned coaxial cables shall be removed. Where a coaxial cable is identified for future use with a tag, the tag shall be of sufficient durability.

##### SECTION 820.100

Subsection 820.100(A)(3) - Replace "14 AWG" with "12 AWG".

##### SECTION 820.133

Subsection 820.133(A)(1) Exception No. 1 - Delete the words "non-power-limited fire alarm,".

Subsection 820.133(A)(1)(a)(2) - Delete 820.133(A)(1)(a)(2) in its entirety.

Subsection 820.133(A)(2) Exception No. 1 - Delete the words "non-power-limited fire alarm,".

Subsection 820.133(A)(2) - Delete Exception No. 2 in its entirety.

Subsection 820.133(C) - Add a new subsection 820.133(C) to read as follows:

**(C) Electric Closets.** Television and radio equipment and cabling shall not be installed in Electric Closets.

##### SECTION 820.154

820.154(A) Revise the title to read as follows:

(A) Spaces Used for Environmental Air

#### ARTICLE 830

##### Network - Powered Broadband Communications Systems

##### SECTION 830.2

Section 830.2 - Revise the definition of "Abandoned Network-Powered Broadband Communications Cable" to read as follows:

**Abandoned Network-Powered Broadband Communications Cable.** Installed network-powered broadband communications cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

##### SECTION 830.25

Section 830.25 - Revise the second sentence to read as follows:

Where a network-powered broadband communications cable is identified for future use with a tag, the tag shall be of sufficient durability.

##### SECTION 830.100

Subsection 830.100(A)(3) - Replace "14 AWG" with "12 AWG".

##### SECTION 830.133

Subsection 830.133(A)(1)(b)(2) - Delete the subsection in its entirety.

Subsection 830.133(A)(1)(d) - Delete the following words from Exception No. 1: "non-power limited fire alarm".

Subsection 830.133(D) - Add a new subsection 830.133(D) to read as follows:

**(D) Electric Closets.** Broadband communications equipment and cabling shall not be installed in Electric Closets.

§14. (a) This local law shall take effect on July 1, 2011, except that the provisions of subdivision j of section 27-3018 as set forth in section nine of this local law and section 27-3021.2 as set forth in section eleven of this local law shall take effect on March 1, 2012, provided that the commissioner of buildings shall take all actions necessary for implementation of this local law, including the promulgation of rules, prior to each such effective date.

(b) Phase-in period of new standards for electrical work. During the period from July 1, 2011 through December 31, 2011 (the phase-in period), electrical work may be performed either in accordance with the electrical code technical standards adopted pursuant to section 27-3024 and section 27-3025 of the administrative code of the city of New York, as enacted by section 12 and section 13, respectively, of this local law, or in accordance with the standards set forth in chapter 3 of title 27 of

such code in effect prior to July 1, 2011, at the option of the licensed master or special electrician or other authorized person performing the work.

(c) A copy of the 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code, incorporated by reference into this local law, shall be kept on file by the City Clerk with this local law and shall be available for public inspection.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, June 14, 2011.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 64-A:)**

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

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

#### A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the electrical code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025.

Given under my hand and seal this 14<sup>th</sup> day of June, 2011 at City Hall in the City of New York

\_\_\_\_\_  
Michael R. Bloomberg  
Mayor

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

#### Reports of the Committee on Land Use

Report for L.U. No. 385

**Report of the Committee on Land Use in favor of approving Application no. 20115618 CCK, pursuant to Chapter 485 of the Laws of New York of 1998, concerning the transfer and conveyance of the land known as Carnarsie Cemetery in the Borough of Brooklyn, Council District no. 46.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 28, 2011 (Minutes, page 1237), respectfully

#### REPORTS:

##### SUBJECT

**BROOKLYN CB - 18      20115618 CCK**

Application submitted by the Department of Citywide Administrative Services pursuant to Chapter 485 of the Laws of New York of 1998 for the transfer and conveyance of the land known as Canarsie Cemetery, Council District no. 46, Borough of Brooklyn.

##### INTENT

To allow the transfer and conveyance of the Canarsie Cemetery.

##### PUBLIC HEARING

DATE: June 2, 2011

Witnesses in Favor: One

Witnesses Against: None

##### SUBCOMMITTEE RECOMMENDATION

DATE: June 2, 2011

The Subcommittee recommends that the Land Use Committee approve the transfer and conveyance of the property pursuant to Chapter 485 of the Laws of New York.

| In Favor:    | Against: | Abstain: |
|--------------|----------|----------|
| Lander       | None     | None     |
| Sanders, Jr. |          |          |
| Arroyo       |          |          |
| Mendez       |          |          |
| Williams     |          |          |
| Halloran     |          |          |

##### COMMITTEE ACTION

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

| In Favor:    | Against: | Abstain: |
|--------------|----------|----------|
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |
| Mendez       |          |          |
| Vacca        |          |          |
| Lander       |          |          |
| Levin        |          |          |
| Weprin       |          |          |
| Williams     |          |          |
| Ignizio      |          |          |
| Halloran     |          |          |
| Koo          |          |          |

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

Res. No. 880

**Resolution approving the request of the Department of Citywide Administrative Services on Application No. 20115618 CCK, the transfer and conveyance of city-owned property known as the Carnarsie Cemetery located at Block 8038 /Lots 1 and 10; Block 8039/Lot 1; Block 8041/Lot 1, Borough of Brooklyn (L.U. No 385).**

By Council Members Comrie and Lander.

**WHEREAS**, the Department of Citywide Administrative Services filed with the Council on April 9, 2011 its application dated April 8, 2011 on the request submitted

pursuant to Chapter 485 of the Laws of New York of 1998, for the transfer and conveyance of city-owned property, known as the Carnarsie Cemetery, located at Block 8038/Lots 1 and 10; Block 8039/Lot 1; Block 8041/Lot 1, Community District 18, Borough of Brooklyn (No. 20115618 CCK) (the "Application");

**WHEREAS**, the Application is related to ULURP No. C 800707 PPK (Cal. No. 15), which was approved by the Board of Estimate on February 26, 1981;

**WHEREAS**, the Application is subject to review and action by the Council pursuant to Chapter 485 of the Laws of New York of 1998;

**WHEREAS**, upon due notice, the Council held a public hearing on the Application on June 2, 2011; and

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

**RESOLVED:**

Pursuant to Chapter 485 of the Laws of New York of 1998, the Council approves the request for the Transfer and Conveyance of the city-owned land known as the Canarsie Cemetery.

The land to be conveyed pursuant to this action, in which all streets mentioned are as laid out in the City Map of the City of New York for the Borough of Brooklyn, is as follows:

Beginning at the northeast corner of Avenue K and East 86<sup>th</sup> Street; thence, northwardly and along the easterly line of East 86<sup>th</sup> Street, for 315.94 feet; thence, eastwardly and forming an interior angle of 114°35' 22" with the previous course, for 110.26 feet; thence, northwardly and forming an interior angle of 247°40'50" with the previous course, for 225.38 feet; thence, eastwardly, forming an interior angle of 91°42'10" with the previous course, and partly along the southerly line of Church Lane, for 826.27 feet; thence, eastwardly, forming an interior angle of 176°01'37", and along the said southerly line of Church Lane, for 64.39 feet to the westerly line of Remsen Avenue; thence, southwardly, forming an interior angle of 90°00'00" with the previous course, and along the said westerly line of Remsen Avenue, for 589.73 feet to the northerly line of Avenue K; thence, westwardly, forming an interior angle of 93°12'04" with the previous course, and along the said northerly line of Avenue K for 27.45 feet; thence, westwardly, forming an interior angle of 179°59'03" with the previous course, and along the said northerly line of Avenue K, for 954.07 feet back to the point of beginning (Block 8038 /Lots 1 and 10; Block 8039/Lot 1; Block 8041/Lot 1).

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 395

**Report of the Committee on Land Use in favor of approving Application no. N 100373 ZRM submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations), Article IX, Chapter 7 (Special 125th Street District), to modify the regulations pertaining to the location of sidewalk cafes within the Special 125th Street District, Borough of Manhattan, Community District 9, 10 and 11.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1663), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB's - 9, 10 and 11**

**N 100373 ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article I, Chapter 4 (Sidewalk Café Regulations) and Article IX, Chapter 7 (Special 125th Street District), to modify the regulations pertaining to the location of sidewalk cafés within the Special 125th Street District.

**INTENT**

To modify the regulations pertaining to the location of sidewalk cafés within the Special 125<sup>th</sup> Street District.

**PUBLIC HEARING**

**DATE:** June 2, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 7, 2011

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

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** June 7, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Gonzalez         |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |

**Cont'd**

Mendez  
Vacca  
Lander

Levin
Weprin
Williams
Ignizio
Halloran
Koo

Comrie
Jackson
Seabrook
Vann
Garodnick
Lappin
Vacca
Ignizio

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

COMMITTEE ACTION

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Sanders, Jr., Seabrook, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin
Against: None
Abstain: None

Report for L.U. No. 396

Report of the Committee on Land Use in favor of approving Application no. N 110176 ZRM submitted by the Department of City Planning and Manhattan Community Board 4, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Article1, Chapter 4 (Sidewalk Café Regulations), and Appendix F, Borough of Manhattan, Community District 4, Council District no. 3.

Cont'd

Mendez
Vacca
Lander
Levin
Weprin
Williams
Ignizio
Halloran
Koo

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1663), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4 N 110176 ZRM

City Planning Commission decision approving an application submitted by the New York City Department of City Planning and Manhattan Community Board 4 pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Article I, Chapter 4 (Sidewalk Café Regulations), and Appendix F.

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

INTENT

To amend the zoning text to provide new residential development including new affordable housing in the West Clinton neighborhood.

Res. No. 881

Resolution approving the decision of the City Planning Commission on Application No. N 110176 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Article I, Chapter 4 (Sidewalk Café Regulations), and Appendix F, Borough of Manhattan (L.U. No. 396).

By Council Members Comrie and Weprin.

PUBLIC HEARING

DATE: June 2, 2011

Witnesses in Favor: Fourteen Witnesses Against: None

WHEREAS, the City Planning Commission filed with the Council on May 16, 2011 its decision dated May 11, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning and Manhattan Community Board 4, for an amendment of the Zoning Resolution of the City of New York to provide new opportunities for residential development, including new affordable housing, in the West Clinton neighborhood, to encourage new manufacturing compatible uses between Eleventh Avenue and the West Side Highway, and to ensure that the form of new buildings relates to and enhances neighborhood character (Application No. N 110176 ZRM), Borough of Manhattan (the "Application");

SUBCOMMITTEE RECOMMENDATION

DATE: June 7, 2011

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

WHEREAS, the Application is related to Application C 110177 ZMM (L.U. No. 397), an amendment of the Zoning Map to rezone all or portions of 18 blocks in West Clinton;

In Favor: Weprin, Rivera, Reyna
Against: None
Abstain: None

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2011;



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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on January 3, 2011, which included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-268), (CEQR No. 11DCP068M);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110176 ZRM, incorporated by reference herein, the Council approves the Decision.

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

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article 1 – General Provisions**

\* \* \*

**Chapter 4  
Sidewalk Cafe Regulations**

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

|                                     | #Enclosed Sidewalk Cafe# | #Unenclosed Sidewalk Cafe# |
|-------------------------------------|--------------------------|----------------------------|
| Manhattan                           |                          |                            |
| 125th Street District               | Yes                      | Yes                        |
| Battery Park City District          | Yes                      | Yes                        |
| Clinton District                    | <del>Yes</del> No        | Yes                        |
| Limited Commercial District         | No                       | No*                        |
| Lincoln Square District             | No                       | Yes                        |
| Little Italy District               | No                       | Yes                        |
| Lower Manhattan District            | No                       | Yes**                      |
| Manhattanville Mixed Use District   | No***                    | Yes                        |
| Transit Land Use District           | Yes                      | Yes                        |
| Tribeca Mixed Use District          | Yes                      | Yes                        |
| United Nations Development District | No                       | Yes                        |

\* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue  
 \*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway  
 \*\*\* Enclosed sidewalk cafes are allowed in Subdistrict B

**Article IX - Special Purpose Districts**

**Chapter 6  
Special Clinton District**

\* \* \*

**96-10**

**PRESERVATION AREA**

\* \* \*

**96-104  
Height and setback regulations**

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

**(a) Street wall location**

For #zoning lots# with #wide street# frontage, ~~the #street walls# of a #building or other structure#~~ shall be located on the #wide street line# and extend along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, ~~the #street walls# of the #building#~~ shall be located on and extend along the #narrow street line# within 50 feet of the #wide street#.

For #zoning lots# with #narrow street# frontage, #street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow street line# is located within 10 feet of the #street line#, the #street wall# of the #building# may be aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial uses# fronting on the #street#.

**(b) Permitted recesses**

Ground floor recesses up to three feet deep shall be permitted for access to building entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

**(c) Building height**

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of seven #stories# or 66 feet, whichever is less.

However, the City Planning Commission, by special permit, may modify the special height and

~~setback regulations restrictions~~ set forth in this Section for any #development# or #enlargement#.

In order to grant such special permit, the Commission shall find that the distribution of ~~the #bulk# of the #development# or #enlargement#~~ permits adequate access of light and air to surrounding #streets# and properties and that the maximum height of such #development# or #enlargement# does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

\* \* \*

**96-30  
OTHER AREAS**

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in

this ~~Chapter~~ Section 96-30, inclusive.

**96-31  
Special Regulations in R8 Districts**

(a) In R8 Districts, other than R8A Districts, in ~~Other Areas west of Tenth Avenue~~ Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the following special regulations shall apply:

(a) (1) the provisions of Sections 96-101 (Floor area regulations) and 96-104 (Height and setback regulations) shall apply; and

(a) (2) the provisions of Section 96-102 (Lot coverage regulations) shall apply, except that for all portions of a #zoning lot# located in ~~an~~ Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in ~~the~~ Other Areas.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

(1) Inclusionary Housing Program

R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (Definitions) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(2) Maximum #floor area ratio#

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section 23-90 shall be located within the #Special Clinton District#.

(3) Special Use and Bulk Regulations for Existing Electrical Utility Substations

Electrical utility substations, operated for public utility purposes, existing on (effective date) and located wholly or partially within the portion of Western Subarea C2 east of 11th Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

### **96-32**

#### **Special Regulations in R9 Districts**

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #commercial districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #commercial districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (Definitions) for the purpose of making the Inclusionary Housing Program

regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be located within the #Special Clinton District#.

### **96-33**

#### **Special Regulations in M2-4 Districts**

### **96-331**

#### **Adult establishments**

The provisions of Section 52-77 (Termination of Adult Use Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995 and prior to [Date of CPC Approval], and which, as of [Date of CPC Approval] and [Date of City Council Approval], was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

### **96-332**

#### **Height and setback**

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special bulk regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow street# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

\* \* \*

### **96-80**

#### **EXCLUDED AREAS**

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-84~~2~~ (C6-3X Designated Districts) shall apply.

\* \* \*

- (c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue, provided that in this area the provisions of Section 96-82~~1~~ (R10 ~~Districts Inclusionary Housing Designated Area~~) shall apply;

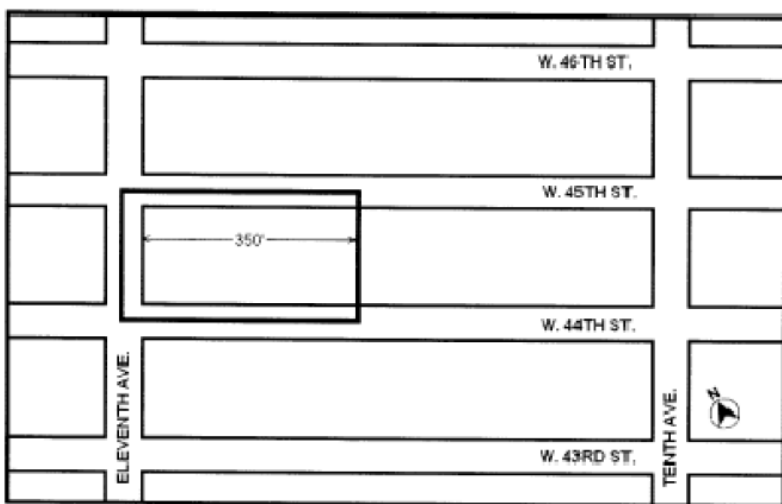
**96-81**  
**R10 Districts**  
**96-82**  
**R10 Inclusionary Housing Designated Area**

The R10 ~~d~~Districts in ~~Excluded Areas~~ the area shown on the map in this Section shall be an #Inclusionary Housing designated areas# pursuant to Section 12-10 (Definitions) for the purpose

of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable

as modified within the Special District. The provisions of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply.

<DELETE MAP. No IZ map required>



**96-81 82**  
**C6-3X Designated Districts**

- (a) Inclusionary Housing Program

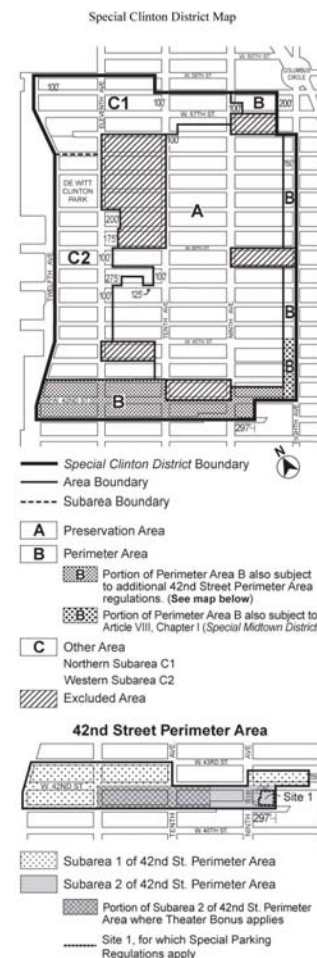
~~Where the designated district is C6-3X Districts within the Excluded Areas, such district shall be an #Inclusionary Housing designated areas# pursuant to Section 12-10 (Definitions) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.~~

- (b) Maximum #floor area ratio#

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

\*\*\*

**Appendix A**  
**SPECIAL CLINTON DISTRICT MAP (REVISED MAP)**



**APPENDIX F**  
**Inclusionary Housing Designated Areas**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#.

\*\*\*

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

Special 125th Street District – see Section 97-421 (Inclusionary Housing)

Special Clinton District – see Sections ~~96-81 (C6-3X Designated District) and 96-82 (R10 Inclusionary Housing Designated Area)~~ 96-31 (Special Regulations in R8 Districts) paragraph (b), 96-32 (Special Regulations in R9 Districts), 96-81 (R10 Districts) and 96-82 (C6-3X Districts)

Special Coney Island District – see Section 131-321 (Special floor area regulations for residential uses)

Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)

Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 397

Report of the Committee on Land Use in favor of approving Application no. C 110177 ZMM 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 No. 8c, 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 May 26, 2011 (Minutes, page 1664), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4** **C 110177**  
**ZMM**

City Planning Commission decision approving an application submitted by the NYC Department of City Planning and Manhattan Community Board 4 pursuant to Sections 197-c and 200 of the New York city Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c.

**INTENT**

To amend the zoning text to provide new residential development including new affordable housing in the West Clinton neighborhood.

**PUBLIC HEARING**

**DATE:** June 2, 2011

**Witnesses in Favor:** Fourteen  
 None **Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 7, 2011

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

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** June 7, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |

Reyna  
 Barron  
 Jackson  
 Sanders, Jr.  
 Seabrook  
 Vann  
 Gonzalez  
 Arroyo  
 Dickens  
 Garodnick  
 Lappin

**Cont'd**

Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Williams  
 Ignizio  
 Halloran  
 Koo

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

Res. No. 882

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110177 ZMM, a Zoning Map amendment (L.U. No. 397).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2011 its decision dated May 11, 2011 (the "Decision"), on the application submitted by the New York City Department of City Planning and Manhattan Community Board 4, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone all or portions of 18 blocks in the West Clinton neighborhood in Manhattan Community District 4 from M1-5, M2-3 and M3-2 districts to R8, R8A, R8A/C2-5, R9, R9/C2-5 and M2-4 districts, which along with the Zoning Text amendment will provide new opportunities for residential development, including new affordable housing, in the West Clinton neighborhood, to encourage new manufacturing compatible uses between Eleventh Avenue and the West Side Highway, and to ensure that the form of new buildings relates to and enhances neighborhood character (ULURP No. C 110177 ZMM) (the "Application");

**WHEREAS**, the Application is related to Application N 110176 ZRM (L.U. No. 396), an amendment of the Zoning Resolution relating to Article IX, Chapter 6 (Special Clinton District), and Article I, Chapter 4 (Sidewalk Café Regulations), and Appendix F;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on January 3, 2011, which included (E) designations to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials (E-268), (CEQR No. 11DCP068M);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110177 ZMM, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c:

1. changing from an M1 -5 District to an R8 District property bounded by:

- a. West 52<sup>nd</sup> Street, a line 200 feet easterly of Eleventh Avenue, West 51<sup>st</sup> Street, a line 175 feet easterly of Eleventh Avenue, West 48<sup>th</sup> Street, a line 450 feet westerly of Tenth Avenue, a line midway between West 46<sup>th</sup> Street and West 47<sup>th</sup> Street, a line 500 feet westerly of Tenth Avenue, West 47<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue; and
- b. West 46<sup>th</sup> Street, a line 450 feet westerly of Tenth Avenue, West 45<sup>th</sup> Street, and a line 100 feet easterly of Eleventh Avenue,

2. changing from an M1-5 District to an R8A District property bounded by:

- a. West 52<sup>nd</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 47<sup>th</sup> Street, and Eleventh Avenue; and
- b. West 46<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 45<sup>th</sup> Street, and Eleventh Avenue;

3. changing from an M1-5 District to an R9 District property bounded by West 44<sup>th</sup> Street, the easterly boundary line of a railroad right-of-way, West 43<sup>rd</sup> Street, and Eleventh Avenue;

4. changing from an M1-5 District to an M2-4 District property bounded by:

- a. West 52<sup>nd</sup> Street, Eleventh Avenue, West 51<sup>st</sup> Street, and a line 150 feet westerly of Eleventh Avenue;
- b. West 49<sup>th</sup> Street, Eleventh Avenue, West 47<sup>th</sup> Street, and Twelfth Avenue; and
- c. West 47<sup>th</sup> Street, a line 500 feet westerly of Tenth Avenue, a line midway between West 46<sup>th</sup> Street and West 47<sup>th</sup> Street, a line 450 feet westerly of Tenth Avenue, West 46<sup>th</sup> Street and Eleventh Avenue;

5. changing from an M2-3 District to an M2-4 District property bounded by:

- a. West 55<sup>th</sup> Street, Eleventh Avenue, West 52<sup>nd</sup> Street, a line 150 feet westerly of Eleventh Avenue, West 51<sup>st</sup> Street, Eleventh Avenue, West 49<sup>th</sup> Street, and Twelfth Avenue; and
- b. West 47<sup>th</sup> Street, Eleventh Avenue, West 43<sup>rd</sup> Street, Twelfth Avenue, West 45<sup>th</sup> Street, a line perpendicular to the southerly street line of West 46<sup>th</sup> Street distant 250 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of West 46<sup>th</sup> street and the easterly street line of Twelfth Avenue, West 46<sup>th</sup> Street, and Twelfth Avenue;

6. changing from an M3-2 District to an M2-4 District property bounded by West 46<sup>th</sup>

Street, a line perpendicular to the southerly street line of West 46<sup>th</sup> Street distant 250 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of West 46<sup>th</sup> street and the easterly street line of Twelfth Avenue, West 45<sup>th</sup> Street, and Twelfth Avenue;

7. establishing within a proposed R8A District a C2-5 District bounded by:

- a. West 52<sup>nd</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 47<sup>th</sup> Street, and Eleventh Avenue; and
- b. West 46<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 45<sup>th</sup> Street, and Eleventh Avenue;

8. establishing within a proposed R9 District a C2-5 District bounded by West 44<sup>th</sup> Street, a line 100 feet easterly of Eleventh Avenue, West 43<sup>rd</sup> Street, and Eleventh Avenue; and

9. establishing a Special Clinton District bounded by the northerly street line of West 47<sup>th</sup> Street and its westerly and easterly prolongations, the easterly street line of Eleventh Avenue and its northerly and southerly prolongations, the southerly street line of West 45<sup>th</sup> Street and its easterly prolongation, a line 100 feet westerly of Eleventh Avenue, the southerly street line of West 44<sup>th</sup> Street, a line perpendicular to the southerly street line of West 45<sup>th</sup> Street distant 150 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of West 45<sup>th</sup> street and the easterly street line of Twelfth Avenue, the southerly street line of West 45<sup>th</sup> Street, the easterly street line of Twelfth Avenue, West 43<sup>rd</sup> Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2011, and subject to the CEQR Declaration E-268, Community District 4, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 398

**Report of the Committee on Land Use in favor of approving Application no. C 110166 ZMQ submitted by HANAC, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, establishing within an existing R6 District a C1-3 District, Section No. 9a, Council District no. 33 .**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1664), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 1**

**C 110166 ZMQ**

City Planning Commission decision application submitted by HANAC, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, establishing within an existing R6 District a C1-3 District bounded by a line 150 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, and a line perpendicular to the northeasterly street line of Astoria Boulevard distant 110 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the northwesterly street line of 29<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated January 24, 2011.

**INTENT**

To facilitate the development of a 59 space, unattended public parking garage in Astoria, Queens.

**PUBLIC HEARING**

DATE: June 2, 2011

Witnesses in Favor: One

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: June 7, 2011

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

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

#### COMMITTEE ACTION

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

| In Favor:    | Against: | Abstain: |
|--------------|----------|----------|
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |

#### Cont'd

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 883

#### **Resolution approving the decision of the City Planning Commission on ULURP No. C 110166 ZMQ, a Zoning Map amendment (L.U. No. 398).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2011 its decision dated May 11, 2011 (the "Decision"), on the application submitted by HANAC, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to establish a C1-3 district within an existing R6 district to facilitate the development of a 59-space, unattended public parking garage in Astoria, Queens (ULURP No. C 110166 ZMQ) (the "Application");

**WHEREAS**, the Application is related to Application C 110031 ZSQ (L.U. No. 399), a special permit pursuant to Section 74-511 to allow and unattended public parking garage with a maximum of 59 spaces on the cellar and ground floor levels in a C1-3 district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 30, 2010 (CEQR No. 06HPD005Q);

#### **RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110166 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a, establishing within an existing R6 District a C1-3 District bounded by a line 150 feet northeasterly of Astoria Boulevard, 29<sup>th</sup> Street, a line 100 feet northeasterly of Astoria Boulevard, and a line perpendicular to the northeasterly street line of Astoria Boulevard distant 110 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the northwesterly street line of 29<sup>th</sup> Street, as shown on a diagram (for illustrative purposes only) dated January 24, 2011, Community District 1, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 399

**Report of the Committee on Land Use in favor of approving Application no. C 110031 ZSQ submitted by HANAC, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a Special Permit pursuant to Section 74-511 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 59 spaces, Borough of Queens, Community District 1, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1664), respectfully

#### **REPORTS:**

#### SUBJECT

**QUEENS CB - 1**

**C 110031 ZSQ**

City Planning Commission decision approving an application submitted by HANAC, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-511 of the Zoning Resolution to allow an unattended public parking garage with a maximum capacity of 59 spaces on portions of the ground floor and cellar of an existing mixed use development on property located at 25-03 29<sup>th</sup> Street (Block 839, Lot 1), in R6, R6/C1-3\* and R6A/C1-3 Districts.

**INTENT**

To facilitate the development of a 59 space, unattended public parking garage in Astoria, Queens.

**PUBLIC HEARING**

**DATE:** June 2, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 7, 2011

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

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Jackson          |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |
| Vacca            |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** June 7, 2011

The Committee recommends that the Council approve the attached resolution.

| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
|------------------|-----------------|-----------------|
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Gonzalez         |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |

**Cont'd**

Mendez  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

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

Res. No. 884

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110031 ZSQ (L.U. No. 399), for the grant of a special permit pursuant to Section 74-511 of the Zoning Resolution of the City of New York to allow an unattended public parking garage with a maximum capacity of 59 spaces on portions of the ground floor and cellar of an existing mixed use development on property located at 25-03 29<sup>th</sup> Street (Block 839, Lot 1), in R6, R6/C1-3 and R6A/C1-3 Districts, Borough of Queens.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 16, 2011 its decision dated May 11, 2011 (the "Decision"), on the application submitted by HANAC, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-511 of the Zoning Resolution of the City of New York to allow an unattended public parking garage with a maximum capacity of 59 spaces on portions of the ground floor and cellar of an existing mixed use development on property located at 25-03 29<sup>th</sup> Street (Block 839, Lot 1), in R6, R6/C1-3 and R6A/C1-3 Districts (ULURP No. C 110031 ZSQ), Community District 1, Borough of Queens (the "Application");

**WHEREAS**, the Application is related to Application Number C 110166 ZMQ (L.U. No. 398), a zoning change to establish a C1-3 District within an existing R6 zoning district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-511 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2011;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 30, 2010 (CEQR No. 06HPD005Q);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 110031 ZSQ, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 400

**Report of the Committee on Land Use in favor of approving Application no. C 100457 ZMQ submitted by 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, changing from an R2A District to an R3-1 District and establishing within an existing and proposed R3-1 District a C2-2 District, Section No. 7d, Council District no. 19.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1665), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 7** **C 100457 ZMQ**

City Planning Commission decision approving an application submitted by 10-24 Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d:

1. changing from an R2A District to an R3-1 district property bounded by 10th Avenue, 154th Street, 11th Avenue and 100 feet westerly of 154th Street; and
2. establishing within an existing and proposed R3-1 District a C2-2 District bounded by a line 140 feet northerly of 11th Avenue, 154th Street, 11th Avenue and a line 135 feet easterly of 154th Street;

as shown on a diagram (for illustrative purposes only) dated December 13, 2010 modified by the City Planning Commission on May 11, 2011, and subject to the conditions of CEQR Declaration E-267.

**INTENT**

To allow the expansion of an existing restaurant and eatery facility and develop an accessory parking lot.

**PUBLIC HEARING**

**DATE:** June 2, 2011

**Witnesses in Favor:** One **Witnesses Against:** Three

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 7, 2011

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

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Weprin           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Comrie           |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |
| Ignizio          |                 |                 |

**COMMITTEE ACTION**

**DATE:** June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |

Jackson  
**Cont'd**  
 Sanders, Jr.  
 Seabrook  
 Vann  
 Gonzalez  
 Arroyo  
 Dickens  
 Garodnick  
 Lappin  
 Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Williams  
 Ignizio  
 Halloran  
 Koo

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 401

**Report of the Committee on Land Use in favor of approving Application no. 20115596 HKM (N 110276 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Neighborhood Playhouse, 466 Grand Street House (List No.440, LP-2433), located at 466 Grand Street (a/k/a 466-470 Grand Street; 8 Pitt Street), (Block 336, part of Lot 28), Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1665), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3** **20115596 HKM (N 110276 HKM)**

Designation by the Landmarks Preservation Commission (List No. 440/LP-2433), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Neighborhood Playhouse, located at 466 Grand Street House (a/k/a 466-470 Grand Street; 8 Pitt Street) (Block 336, part of Lot 28), as an historic landmark.

**PUBLIC HEARING**

**DATE:** June 2, 2011

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 2, 2011



The Subcommittee recommends that the Land Use Committee affirm the designation.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Lander       | None     | None     |
| Sanders, Jr. |          |          |
| Arroyo       |          |          |
| Mendez       |          |          |
| Williams     |          |          |
| Halloran     |          |          |

**COMMITTEE ACTION**

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |
| Mendez       |          |          |
| Vacca        |          |          |
| Lander       |          |          |
| Levin        |          |          |
| Weprin       |          |          |
| Williams     |          |          |
| Ignizio      |          |          |
| Halloran     |          |          |
| Koo          |          |          |

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

Res. No. 885

**Resolution affirming the designation by the Landmarks Preservation Commission of the Neighborhood Playhouse (later Henry Street Playhouse, now Harry De Jur Playhouse), located at 466 Grand Street a.k.a. 466-470 Grand Street, 8 Pitt Street (Tax Map Block 336, Lot 28 in part), Borough of Manhattan, Designation List No. 440, LP-2433 (L.U. No. 401; 20115596 HKM; N 110276 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 29, 2011 a copy of its designation dated March 22, 2011 (the "Designation"), of the Neighborhood Playhouse (later Henry Street Playhouse, now Harry De Jur Playhouse), located at 466 Grand Street a.k.a. 466-470 Grand Street, 8 Pitt Street, Community District 3, Borough of Manhattan as a landmark, and Tax Map Block 336, Lot 28 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on May 16, 2011, its report on the Designation dated May 11, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 2, 2011; 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, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 402

**Report of the Committee on Land Use in favor of approving Application no. 20115597 HKM (N 110277 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Engineers' Club Building (List No.440, LP-2429), located at 32 West 40th Street, (Block 841, Lot 69), Council District no. 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1665), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5      20115597 HKM (N 110277 HKM)**

Designation by the Landmarks Preservation Commission (List No. 440/LP-2429), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Engineers' Club Building, located at 32 West 40th Street (Block 841, Lot 69), as an historic landmark.

**PUBLIC HEARING**

DATE: June 2, 2011

|                     |     |           |          |
|---------------------|-----|-----------|----------|
| Witnesses in Favor: | One | Witnesses | Against: |
| None                |     |           |          |

**SUBCOMMITTEE RECOMMENDATION**

DATE: June 2, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Lander       | None     | None     |
| Sanders, Jr. |          |          |
| Arroyo       |          |          |
| Mendez       |          |          |
| Williams     |          |          |
| Halloran     |          |          |

**COMMITTEE ACTION**

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |
| Mendez       |          |          |
| Vacca        |          |          |
| Lander       |          |          |
| Levin        |          |          |
| Weprin       |          |          |
| Williams     |          |          |
| Ignizio      |          |          |
| Halloran     |          |          |
| Koo          |          |          |

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

Res. No. 886

**Resolution affirming the designation by the Landmarks Preservation Commission of the Engineers' Club Building, located at 32 West 40th Street a.k.a. 32-24 West 40th Street (Tax Map Block 841, Lot 69), Borough of Manhattan, Designation List No. 440, LP-2429 (L.U. No. 402; 20115597 HKM; N 110277 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 29, 2011 a copy of its designation dated March 22, 2011 (the "Designation"), of the Engineers' Club Building, located at 32 West 40th Street a.k.a. 32-24 West 40th Street, Community District 5, Borough of Manhattan as a landmark, and Tax Map Block 841, Lot 69, 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 May 16, 2011, its report on the Designation dated May 11, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 2, 2011; 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, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 403

**Report of the Committee on Land Use in favor of approving Application no. 20115598 HKM (N 110278 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Japan Society Headquarters (List No.440, LP-2420), located at 333 East 47th Street, (Block 1340, Lot 16), Council District no. 4.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1666), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 6      20115598 HKM (N 110278 HKM)**

Designation by the Landmarks Preservation Commission (List No. 440/LP-2420), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Japan Society Headquarters, located at 333 East 47<sup>th</sup> Street (Block 1340, Lot 16), as an historic landmark.

**PUBLIC HEARING**

DATE: June 2, 2011

Witnesses in Favor: One

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: June 2, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Lander       | None     | None     |
| Sanders, Jr. |          |          |
| Arroyo       |          |          |
| Mendez       |          |          |
| Williams     |          |          |
| Halloran     |          |          |

**COMMITTEE ACTION**

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |

Dickens  
 Garodnick  
 Lappin  
 Mendez  
 Vacca  
 Lander  
 Levin  
 Weprin  
 Williams  
 Ignizio  
 Halloran  
 Koo

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

Res. No. 887

**Resolution affirming the designation by the Landmarks Preservation Commission of the Japan Society Headquarters, located at 333 East 47<sup>th</sup> Street (Tax Map Block 1340, Lot 16), Borough of Manhattan, Designation List No. 440, LP-2420 (L.U. No. 403; 20115598 HKM; N 110278 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 29, 2011 a copy of its designation dated March 22, 2011 (the "Designation"), of the Japan Society Headquarters, located at 333 East 47<sup>th</sup> Street a.k.a. 327-333 East 47<sup>th</sup> Street, Community District 6, Borough of Manhattan as a landmark, and Tax Map Block 1340, Lot 16, 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 May 16, 2011, its report on the Designation dated May 11, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 2, 2011; 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, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 404

**Report of the Committee on Land Use in favor of approving Application no. 20115599 HKX (N 110279 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Greyston Gatehouse (List No.440, LP-2396), located at 4695 Independence Avenue, (Block 5924, Lot 480), Council District no. 11.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 26, 2011 (Minutes, page 1666), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 8      20115599 HKX (N 110279 HKX)**

Designation by the Landmarks Preservation Commission (List No. 440/LP-2396), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Greyston Gatehouse, located at 4695 Independence Avenue (Tax Map Block 5924, Lot 480), as an historic landmark.

**PUBLIC HEARING**

DATE: June 2, 2011

Witnesses in Favor: One

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: June 2, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Lander       | None     | None     |
| Sanders, Jr. |          |          |
| Arroyo       |          |          |
| Mendez       |          |          |
| Williams     |          |          |
| Halloran     |          |          |

**COMMITTEE ACTION**

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Comrie       | Ignizio  | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |
| Mendez       |          |          |
| Vacca        |          |          |
| Lander       |          |          |
| Levin        |          |          |
| Weprin       |          |          |
| Williams     |          |          |
| Halloran     |          |          |
| Koo          |          |          |

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

Res. No. 888

**Resolution affirming the designation by the Landmarks Preservation Commission of the Greyston (William E. and Sarah T. Hoadley Dodge, Jr. Estate) Gatehouse located at 4695 Independence Avenue, Riverdale (Tax Map Block 5924, Lot 480), Borough of the Bronx, Designation List No. 440, LP-2396 (L.U. No. 404; 20115599 HKX; N 110279 HKX).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on March 29, 2011 a copy of its designation dated March 22, 2011 (the "Designation"), of the Greyston (William E. and Sarah T. Hoadley Dodge, Jr. Estate) Gatehouse, located at 4695 Independence Avenue, Riverdale, Community District 8, Borough of the Bronx as a landmark, and Tax Map Block 5924, Lot 480, 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 May 16, 2011, its report on the Designation dated May 11, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on June 2, 2011; 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, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 407

**Report of the Committee on Land Use in favor of approving Application no. 20115753 HAM, approval of a modification to a plan and project located at Block 1861/Lot 10, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance 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 May 26, 2011 (Minutes, page 1667), respectfully

**REPORTS:**

**SUBJECT**

MANHATTAN CB - 7

20115753 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the New York Private Housing Finance

Law for approval of a modification to a Plan and Project for property located at Block 1861/Lot 10, Council District 8, Borough of Manhattan.

**INTENT**

To facilitate the construction of a new multiple dwelling containing 60 units of affordable housing for low income seniors.

**PUBLIC HEARING**

DATE: June 2, 2011

Witnesses in Favor: Two  
None

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: June 2, 2011

The Subcommittee recommends that the Land Use Committee approve the modification pursuant to Section 115 of the New York Private Housing Finance Law.

|           |          |          |
|-----------|----------|----------|
| In Favor: | Against: | Abstain: |
| Levin     | None     | None     |
| Gonzalez  |          |          |
| Dickens   |          |          |
| Koo       |          |          |

**COMMITTEE ACTION**

DATE: June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|              |          |          |
|--------------|----------|----------|
| In Favor:    | Against: | Abstain: |
| Comrie       | None     | None     |
| Rivera       |          |          |
| Reyna        |          |          |
| Barron       |          |          |
| Jackson      |          |          |
| Sanders, Jr. |          |          |
| Seabrook     |          |          |
| Vann         |          |          |
| Gonzalez     |          |          |
| Arroyo       |          |          |
| Dickens      |          |          |
| Garodnick    |          |          |
| Lappin       |          |          |
| Mendez       |          |          |
| Vacca        |          |          |
| Lander       |          |          |
| Levin        |          |          |
| Weprin       |          |          |
| Williams     |          |          |
| Ignizio      |          |          |
| Halloran     |          |          |
| Koo          |          |          |

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

Res. No. 889

**Resolution approving a modification to a Plan and Project located at 135 West 106<sup>th</sup> Street (Block 1861, Lot 10); Borough of Manhattan (L.U. No. 407; 20115753 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 19, 2011 its request dated May 9, 2011 that the Council take the following actions regarding the following Project (the "New Project") located at 135 West 106<sup>th</sup> Street (Block 1861, Lot 10) (the "Development Parcel"), Community District 7, Council District 8, Borough of Manhattan:

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel, Block 1861/Lot 10, from the Plan and Project;

**WHEREAS**, the original Plan and Project was approved by the Board of Estimate on March 20, 1980 (Cal. No. 6);

**WHEREAS**, upon due notice, the Council held a public hearing on the New Project on June 2, 2011;

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

**RESOLVED:**

The Council approves pursuant to Section 115 of the PHFL, the modification to the original Plan and Project consisting of the deletion of the Development Parcel as described in the Modification and Fact Sheet attached hereto and incorporated herein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

Report for L.U. No. 408

**Report of the Committee on Land Use in favor of approving Application no. 20115754 HAM, approval of a conveyance from the current owner to the new owner for property located at Block 1861/Lot 10, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance 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 May 26, 2011 (Minutes, page 1668), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 7** **20115754**  
**HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for the approval of a conveyance from the current owner to the new owner for property located at Block 1861/Lot 10, Council District 8, Borough of Manhattan.

**INTENT**

To facilitate the construction of a new multiple dwelling containing 60 units of affordable housing for low income seniors.

**PUBLIC HEARING**

**DATE:** June 2, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 2, 2011

The Subcommittee recommends that the Land Use Committee approve the conveyance pursuant to Section 122(1) of the New York Private Housing Finance Law.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Levin            | None            | None            |
| Gonzalez         |                 |                 |
| Dickens          |                 |                 |
| Koo              |                 |                 |

**COMMITTEE ACTION**

**DATE:** June 7, 2011

The Committee recommends that the Council approve the attached resolution.

|                  |                 |                 |
|------------------|-----------------|-----------------|
| <b>In Favor:</b> | <b>Against:</b> | <b>Abstain:</b> |
| Comrie           | None            | None            |
| Rivera           |                 |                 |
| Reyna            |                 |                 |
| Barron           |                 |                 |
| Jackson          |                 |                 |
| Sanders, Jr.     |                 |                 |
| Seabrook         |                 |                 |
| Vann             |                 |                 |
| Gonzalez         |                 |                 |
| Arroyo           |                 |                 |
| Dickens          |                 |                 |
| Garodnick        |                 |                 |
| Lappin           |                 |                 |
| Mendez           |                 |                 |
| Vacca            |                 |                 |
| Lander           |                 |                 |
| Levin            |                 |                 |
| Weprin           |                 |                 |
| Williams         |                 |                 |
| Ignizio          |                 |                 |
| Halloran         |                 |                 |
| Koo              |                 |                 |

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

Res. No. 890

**Resolution approving a conveyance of property located at Block 1861, Lot 10, Borough of Manhattan (L.U. No. 408; 20115754 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 19, 2011 its request dated May 9, 2011 that the Council take the following actions regarding the following Project (the "Project") Block 1861, Lot 10 (the "Conveyance Area"), for the conveyance of property, Community District 7, Council District 8, Borough of Manhattan:

Approve pursuant to Section 122(1) of the Private Housing Finance Law (PHFL), the conveyance of the Conveyance Area by the Current Owner to the New Owner;

**WHEREAS**, upon due notice the Council held a public hearing on the Project on June 2, 2011;

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

**RESOLVED:**

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

“Current Owner” shall mean Manhattan West Associates, a Redevelopment Company.

“New Owner” shall mean LRO Housing Development Fund Company, Inc.

The Council approves pursuant to Section 122(1) of the PHFL, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, June 7, 2011.

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

**Reports of the Committee on State and Federal Legislation**

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

Report for M-532

**Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - “AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project, in accordance with and subject to a memorandum of understanding; and to amend chapter 345 of the laws of 1968, relating to establishing a United Nations development district, in relation to an additional reuse project and a consolidation project for the United Nations; and providing for the repeal of such provisions upon expiration thereof”. S.5706-A, A.8305-A**

The Committee on State and Federal Legislation, to which the annexed Home Rule communication was referred on June 14, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective Mayor's Message M-532 by the Council. By adopting M-532, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND**

This legislation seeks to authorize the City of New York to alienate a portion of parkland below the United Nations for purposes of a project that would allow the United Nations to consolidate its offices. In accordance with and subject to a memorandum of understanding and the State law creating the United Nations Development District to amend Chapter 345 of the laws of 1968 to provide for the consolidation project.

According to the Memorandum of Support ( MIS), the United Nations needs a new building in order to facilitate the renovation of their existing campus and ultimately the consolidation of their offices. The legislation would provide authorizations to the United Nations Development Corporation and the City of New York that are necessary to facilitate the new building.

According to the MIS, the continuing presence of the United Nations in Manhattan is of local, national and international importance and the important public

purposes are served by providing for the facility, space and security needs of the United Nations permanent headquarters, which serves as the home of the world community. The proposed amendments will allow the project to become subject to ULURP, which would permit hearings at community boards and borough presidents meetings and final approval by the Council.

**PROPOSED LEGISLATION**

This legislation will authorize the City to discontinue use as a parkland of a parcel located south of the United Nations and transfer the land to the United Nations Development Corporation. The park alienation in the area beginning at the Northwest corner of forty-second street and United Nations Plaza, running westerly along forty-fifth street a distance of one hundred feet, running northerly parallel to the United Nations Plaza. This bill would condition the transfer of the parcel on the completion and signing of the Memorandum of Understanding between the Mayor, the temporary president of the Senate, and the Speaker of the Assembly after consultation with the members of the Senate, the Assembly and the City Council representing the area in which the parkland is described. The Memorandum of Understanding would have to provide for the resources that would replace the parkland authorized to be alienated by the legislation and provide that portion of the proceeds from a potential sale by the City of One and Two United Nations Plaza be used to fund a walking and bike path along the East River or other parkland. The bill will also amend the chapter of law that established the United Nations development district for the purpose of creating and facilitating the United Nations 42<sup>nd</sup> Street consolidation project.

**FISCAL IMPLICATIONS:**

See Finance Fiscal Impact Statement

**EFFECTIVE DATE:**

This Act shall take effect immediately and if and when the Memorandum of Understanding (MOU) is completed and signed. The Mayor of the City of New York shall notify the legislative bill drafting commission upon completion and signing of the MOU as provided in the bill. The provisions of this act shall expire and be deemed repealed if on or before October 10, 2011, the MOU has not been completed and signed as provided in this legislation.

Accordingly, this Committee recommends its adoption.

**(For text of M-532, please see the Messages and Papers from the Mayor section printed in these Minutes)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 3

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Diaz, S.333, and Assembly Member Arroyo, A.7007, “AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Bronx to former owner St. Peter's Lutheran Church, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 2285, Lot No. 73 on tax map for the borough of Bronx”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

The New York City Charter requires that sale of city-owned property be at public auction or by sealed bids, except as otherwise provided by law. Therefore, state legislative authorization is necessary to permit reconveyance of city-owned property to the former owner.

**ANALYSIS:**

This legislation authorizes the city of New York to reconvey the real property designated as Block No.2285, Lot No. 73 on the tax map of the Bronx to the former owner Saint Peter's Lutheran Church . Such reconveyance may be made upon approval of the In Rem Foreclosure Release Board subject to the grantee meeting certain conditions precedent.

The City of New York acquired title to these premises based on non-payment of taxes. Reportedly, the non-payment of taxes was due to the inadvertent failure of the former owner of such property, to pay taxes thereon.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 3, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 4

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by the Senate Rules Committee, S.5653, and Assembly Member Abbate, A.5744-A, "AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND**

This legislation would guarantee a pension to any New York City police officer or firefighter who has attained twenty years of creditable service and would have otherwise been eligible for retirement, who was dismissed from employment.

According to the Memorandum in Support (MIS), every member in the New York State Policemen's and Firemen's Retirement System, covering all police officers outside of the City of New York, has his or her pension protected statutorily. If a member has twenty years of service or more and is dismissed, he or she receives their pension without an age limitation.

According to the MIS, this proposed legislation would ensure that a member with twenty or more years of service, who would otherwise be entitled to his or her pension had they applied for retirement, not be denied a pension, and that the City not be allowed to use a thirty day waiting period to thwart pension rights. This does not give the member the extent of protection provided to the New York

State Policemen and Firemen's Retirement System since there will be no protection under the proposal for members dismissed who have less than twenty years of service.

The MIS concludes that the member is being sufficiently punished for his or her possible departmental violation by being dismissed from their position. There is no need to become so punitive as to also punish the family of the member by not allowing them to benefit for his or her pension upon which they depended.

**PROPOSED LEGISLATION**

The Administrative Code of the City of New York would be amended by adding a new section. This section would provide that any New York City police officer or firefighter who has attained twenty years of credible service and would likewise be eligible for retirement, but who is dismissed or discharged from employment would not forfeit his or her pension. The protection from loss of pension would not apply to those individuals who have been convicted of a felony under New York State laws, or under the laws of another state or of the United States of any offense or crime which, if committed in the state of New York, would be a felony.

**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 4, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 5

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Krueger, S.913, "AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving domestic partners of members of the police department and the fire department who are enrolled in a health insurance plan".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

The purpose of this bill is to allow the surviving domestic partners of deceased retired New York City police officers and firefighters who are enrolled in the health insurance plan to continue their health insurance coverage. Currently, only

spouses of deceased police officers and firefighters are given the option to continue their health insurance coverage.

According to the Sponsor's Memorandum in Support (MIS), the loss of medical insurance to individuals can be a devastating occurrence. This bill would allow the surviving domestic partner to maintain the same coverage as they had before the death of their domestic partner.

**PROPOSED LEGISLATION:**

This bill would amend the Administrative Code of the City of New York to give surviving domestic partners the option to continue the health coverage they had with a retired New York City Police Officer or New York City Firefighter by paying the group rate for the coverage plus a two percent administrative fee. This provision will be extended to retirees who were police officers under the New York City Housing Authority or New York City Transit Authority prior to the merger of those police departments with the New York City Police Department.

**FISCAL IMPLICATIONS:**

See Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 5, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 6

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by the Senate Rules Committee, S.5527, and Assembly Member Silver, A.7763, "AN ACT to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

**REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

**BACKGROUND:**

The proposed legislation provides for the extension of the City's authority to continue to impose certain taxes. Specifically, in many instances such as with the City's personal income tax, cigarette tax and general corporation tax, failure to extend this authority could result in a return to "default" tax rates which are very out-dated and are substantially below current rates.

According to the two sponsor's memorandum in support if the current levels of taxation are allowed to expire at the end of 2011, the City will lose approximately \$2.1 billion in revenue in Fiscal 2012 and over \$6 billion in revenue annually. Most of these taxes have been in effect since the 1970s and have become an accepted part of the City's tax structure. The loss of such revenue would have a devastating affect on the City's budget. According to the Memorandum, these taxes are extended periodically, most recently by Chapter 525 of the Laws of 2008.

**PROPOSED LEGISLATION**

According to the Sponsor's Memorandum in Support, the provisions of the legislation is the following: Sections 1 and 12 of this legislation would amend Section 1212-A(a)(3) of the Tax Law and Section 11-2040(a) of the Administrative Code, relating to the City's 4.5% percent sales tax on credit rating and credit reporting services. This tax is set to expire on November 30, 2011. The Tax Law amendment authorizes the City to impose the tax for an additional three years, until November 30, 2014. The Administrative Code amendment imposes the tax for an additional three years until November 30, 2014.

Section 2 of the bill amends Tax Law Section 1310 (a), relating to the tax on personal income of residents of the City and the City minimum income tax. The amendment of the Tax Law section 1301 (a)(1) authorizes the City to extend existing rates of the personal income tax (the rates set forth in Tax Law section 1304 (a)(1)(A), (a)(2)(A) and (a)(3)(A) for an additional three years (for taxable years beginning before 2015) and delays implementation of lower personal income tax rates for three years. The amendment of the tax law section 1301 (a)(2) authorizes the City to impose the minimum income tax for an additional three years (for taxable years beginning before 2015). Section 7 of the bill makes a conforming change to the opening paragraph of Administrative Code section 11-1701, which relates to the tax on personal income of residents of the City. The amendment extends the existing personal income rates an additional three years (for taxable years beginning in 2015) and delays the implementation of lower personal income tax rates for three years.

Sections 3 and 9 of the bill amend Tax Law section 1301-A (a) and the Administrative Code section 11-1702, relating to the City minimum income tax. The tax law amendment extends the authority to the City to impose the minimum income tax at 2.85% for an additional three years. The Administrative Code amendment imposes the minimum tax at the existing rate of 2.85% for an additional three years (for taxable years beginning after 2014).

Sections 4 and 8 of the bill amends the Tax Law section 1304(b) and Administrative Code section 11-1701 (b), relating to the tax on the personal income of residents of the City. They make conforming changes to the lower personal income tax rates, delaying their implementation for three years (until taxable years beginning after 2014).

Section 5 and 10 of the bill amends the Tax Law section 1304 (B) (a) and the Administrative code section 11-1704.1 (a)(1), relating to the additional tax on City taxable income. The Tax Law amendment authorizes the City to impose the additional tax for an additional three years at the rate of 14% (for taxable years beginning before 2015).

Section 6, 14, and 15 of the bill amend section 11-604-E of the Administrative Code, Chapter 884 of the Laws of 1975 and Chapter 882 of the Laws of 1977, relating to the City general corporation tax. The current tax rate is the greater of 8.85% on income, 1.5 mills on business and investment capital, 8.85% or 15% of income plus the amount of salaries and other compensation paid to any person who at any time during the taxable year owned more than 5% of the taxpayer's capital stock or a minimum tax based on the amount of New York City receipts.

Section 11 of the bill amends the Administrative Code section 11-2002 (a) relating to the 4.5% sales tax on beauty and barbering services. The amendment imposes the tax for another three years.

Section 13 of the bill amends Chapter 877 of the laws of 1975 relating to the New York City cigarette tax. The current cigarette tax rate is 75 cents for each ten cigarettes, but is set to decline to 2 cents for each ten cigarettes on January 1, 2012. The amendment extends the existing rate of tax for an additional three years (until December 31, 2014).

**FISCAL IMPLICATIONS:**

See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

Immediately.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 6, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**



HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 7

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.4496-B, and Assembly Member Heastie, A.7425-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of traffic control signal photo violation monitoring devices”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

#### **REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

#### **BACKGROUND:**

The purpose of this bill is to increase the number of “red-light” cameras in operation in the City of New York to 225.

According to the Sponsor’s Memorandum in Support (MIS), red light cameras were designed to reduce major safety problems at intersections. It is estimated that more than 100,000 crashes and approximately 1,000 deaths per year in the United States occur at intersections.

According to the MIS, the “Red Light Camera” programs have proven to be effective in addressing the problem of drivers speeding through intersections to “beat” a red light. The MIS further states that increasing the number of cameras will save lives as well as law enforcement resources. For these reasons, the program should be expanded in the City to the total of 225 cameras.

#### **PROPOSED LEGISLATION:**

Section 1 of the bill amends the Vehicle and Traffic Law and increases the maximum number of intersections at which “traffic control signal photo violation monitoring devices may be installed from one hundred fifty to two hundred and twenty-five intersections.

Section 2 of the bill amends the Administrative Code of the City of New York and increases the maximum number of intersections at which “traffic control signal photo violation monitoring devices may be operated from one hundred fifty intersections to two hundred twenty-five intersections.

#### **FISCAL IMPLICATIONS:**

See Finance Division fiscal impact statement.

#### **EFFECTIVE DATE:**

Immediately

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 7, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 8

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Stavisky, S.5501, and Assembly Member Aubry, A.7938, “AN ACT to authorize the city of New York to transfer ownership of certain parklands to Alexander’s of Rego Park III, Inc.”**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

#### **REPORTS:**

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

#### **BACKGROUND**

This legislation will authorize the City of New York to exchange a small parcel of land, related to a proposed mixed-use development by Alexander’s of Rego Park III, Inc. located on a parcel of land bounded by the Long Island Expressway Service Road, Junction Boulevard, and 931’d Street and Lost Battalion Hall Park to the south. In exchange, the City would acquire two adjacent triangular parcels to be mapped as parkland that are of equal size and area.

According to the Memorandum in Support (MIS), the land swap would result in a better site plan for the Lost Battalion Hall Park by the Department of Parks and Recreation and a more useful and efficient development site for Alexander’s of Rego Park III. Lost Battalion Park would be reconfigured to a more regularized park creating a straight line forming its northern boundary perpendicular to Junction Boulevard and would increase its frontage along Junction Boulevard.

According to the MIS, the newly reconfigured park would enable better programming and provide improved pedestrian access to and off of Junction Boulevard for park users. Additionally, Alexander’s of Rego Park III has agreed to undertake or fund improvements to the reconfigured park as per the specifications of the City.

#### **PROPOSED LEGISLATION**

This legislation would authorize the City of New York to discontinue the use as parkland of a small parcel of city-owned parkland that is part of Lost Battalion Hall Park in the Borough of Queens and exchange that parcel for two parcels of privately owned land contiguous to the park. The bill requires that the parcels acquired by the city in such exchange be dedicated as parkland. The bill delineates, of the parcels to be exchanged.

#### **FISCAL IMPLICATIONS**

See Finance Fiscal Impact Statement

#### **EFFECTIVE DATE**

Immediately.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 8, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 9

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.5486, and Assembly Member Farrell, A.7735, “AN ACT to amend chapter 130 of the laws of 1998, amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

#### REPORTS:

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

#### BACKGROUND

The State General Municipal Law sets forth the types of instruments in which local governments can temporarily invest their funds. New York City is given additional authority to choose between a broader array of temporary instruments. According to the Memorandum in Support (MIS), the legislature has recognized the need to allow the City to modernize the management of its finances by expanding the types of instruments in which the City may invest, within prudent limits. The MIS states that the expansion has provided the City with increased flexibility in its investment decisions and has consequently allowed the City to achieve higher yields on its investments, without a significant increase of risk.

#### Legislation

This legislation extends the July 1, 2011 sunset provisions on the City’s additional authority over temporary investments by three years to July 1, 2014.

According to the MIS, a new three year extension will allow the City to continue to achieve the increased flexibility and higher yields made possible by the past changes.

#### FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

#### EFFECTIVE DATE:

This legislation act shall take effect immediately provided however; if this act shall become law after July 1, 2011 it shall be deemed to have been in full force and effect on and after July 1, 2011.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 9, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

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

Report for State Legislation Res. No. 10

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5717, and Assembly Member Farrell, A.8286, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2012”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 14, 2011, respectfully

#### REPORTS:

*The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.*

#### BACKGROUND:

State law requires New York City to apportion property taxes based upon rates calculated by the State Board of Real Property Services (“SBRPS”) in order to distribute the tax levy among the four classes of real property. Those classes are: (1) class one, consisting of one to three family homes; (2) class two, consisting of other residential properties such as apartment buildings, coops and condos; (3) class three, consisting of regulated utility property; and (4) class four which is all other real property.

Paragraph (c) of subdivision one of section 1803-a of the Real Property Tax Law provides that notwithstanding the results of these calculations, the annual increase in the base proportion of any class is not to exceed five percent over the prior year’s adjusted base proportions.

#### PROPOSED LEGISLATION:

Specifically, this legislation would amend subdivision 1 of Section 1803-a of the Real Property Tax Law by adding a new paragraph (w), which would limit the Fiscal Year 2012 increase in the base proportion of any class to 2.5 percent over the prior year’s adjusted base proportions.

In the event the Department of Finance (“DOF”) has sent out real property tax bills for Fiscal Year 2012 before this legislation shall have become law, this legislation would allow City to revise the Fiscal 2012 current base proportions and adjusted base proportions, reset the Fiscal 2012 real property tax rates, and send out amended Fiscal 2012 real property tax bills.

According to the Council’s Memorandum in Support, the SBRPS has determined that the uncapped shares for class one has increased by more than 12 percent from Fiscal 2011. If this legislation does not take effect, the Fiscal 2011 tax rate for class one will increase by nearly 7.7 percent from the Fiscal 2011 tax rate and would cause a significant increase in the tax bill for residential homeowners.

#### FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement appended to this document.

#### EFFECTIVE DATE:

This legislation would take effect immediately.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 10, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 14, 2011.

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

#### GENERAL ORDER CALENDAR

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicant's Report*

| <u>Name</u>             | <u>Address</u>   | <u>District #</u> |
|-------------------------|--|-------------------|
| Gregory Joss            | 401 East 62 <sup>nd</sup> Street #5B<br>New York, N.Y. 10065 | 5                 |
| Jeanette Lopez-Lorenzi  | 2954 Decatur Avenue #2<br>Bronx, N.Y. 10458                  | 11                |
| Monica T. Francis       | 3916 Murdock Avenue<br>Bronx, N.Y. 10466                     | 12                |
| Andrew Hallerman        | 60-25 251 <sup>st</sup> Street<br>Little Neck, N.Y. 11362    | 23                |
| Donald A. Logan Jr.     | 114-27 211 <sup>th</sup> Street<br>Queens, N.Y. 11411        | 27                |
| Christina Scaturro      | 54-39 Metropolitan Avenue #3R<br>Queens, N.Y. 11385          | 30                |
| Tanisha Taventura       | 550 St. Johns Place #4B<br>Brooklyn, N.Y. 11238              | 35                |
| Shaundra Channell-Banks | 179 Linden Blvd #4M<br>Brooklyn, N.Y. 11226                  | 40                |
| Margarita Vardanyan     | 1921 Avenue K #C11<br>Brooklyn, N.Y. 11230                   | 48                |
| Grace A. Newman         | 254 Rice Avenue<br>Staten Island, N.Y. 10314                 | 49                |

*Approved New Applicants and Reapplicants*

| <u>Name</u>             | <u>Address</u>   | <u>District #</u> |
|-------------------------|--|-------------------|
| Peter K. Chan           | 410 Grand Street #4<br>New York, N.Y. 10002                  | 1                 |
| Blanca I. Irizarry      | 25 Montgomery Street<br>New York, N.Y. 10002                 | 1                 |
| Amelia Jefferson-McNeil | 477 FDR Drive #M1803<br>New York, N.Y. 10002                 | 1                 |
| Yvette Pegan            | 82 Rutgers Slip #21D<br>New York, N.Y. 10002                 | 1                 |
| Louise E. Dankberg      | 152 East 22 <sup>nd</sup> Street #5D<br>New York, N.Y. 10010 | 2                 |
| Joanne M. Tarantino     | 50 Park Avenue #6H<br>New York, N.Y. 10016                   | 3                 |
| Stephen Berger          | 1050 Park Avenue #2A<br>New York, N.Y. 10028                 | 4                 |
| Hilary Hudson           | 425 East 65 <sup>th</sup> Street #11<br>New York, N.Y. 10065 | 5                 |
| Michael J. McFadden     | 630 Amsterdam Avenue<br>New York, N.Y. 10024                 | 6                 |
| Kennetha Robinson       | 385 Edgecombe Avenue #56<br>New York, N.Y. 10031             | 7                 |
| Denise Dees             | 750 Columbus Avenue #4V<br>New York, N.Y. 10025              | 8                 |
| Facunda Hernandez       | 17 Fort George Hill<br>New York, N.Y. 10040                  | 10                |
| Tavorys W. Mazara       | 4648 Broadway #51<br>New York, N.Y. 10040                    | 10                |
| Bernard Buckner         | 3959 Murdock Avenue<br>Bronx, N.Y. 10466                     | 12                |
| Thomas Dillulio         | 1629 Radcliff Avenue<br>Bronx, N.Y. 10462                    | 13                |
| Amandah Pasha           | 1551 Williams Bridge Road<br>Bronx, N.Y. 10461               | 13                |
| Alexander Agyemandg     | Opoku- 1685 Selwyn Avenue #403<br>Bronx, N.Y. 10457          | 14                |
| Madelyn Ramos           | 500 East 171 <sup>st</sup> Street #9E<br>Bronx, N.Y. 10457   | 16                |
| Sonia Carrera           | 180 East 162 <sup>nd</sup> Street #4F<br>Bronx, N.Y. 10451   | 17                |

|                                |   |    |
|--------------------------------|---|----|
| Arabella M. Poveriet           | 834 Cauldwell Avenue<br>Bronx, N.Y. 10456                     | 17 |
| Betty Gonzalez                 | 2215 Gleason Avenue<br>Bronx, N.Y. 10462                      | 18 |
| Avonelle Greene                | 233 Admiral Lane<br>Bronx, N.Y. 10473                         | 18 |
| Deidra Mellis                  | 3-05 149 <sup>th</sup> Place<br>Whitestone, N.Y. 11357        | 19 |
| Gail Porti                     | 36-20 213 <sup>th</sup> Street<br>Queens, N.Y. 11361          | 19 |
| Virginia Payne                 | 36-11 Bowne Street #2A<br>Queens, N.Y. 11354                  | 20 |
| Jaime Bocanumenth              | 37-25 81 <sup>st</sup> Street #3D<br>Queens, N.Y. 11372       | 21 |
| Steven V. Santiago             | 90-16 201 <sup>st</sup> Street<br>Queens, N.Y. 11423          | 23 |
| Esperanza T. Mallari           | 76-12 35 <sup>th</sup> Avenue #4A<br>Queens, N.Y. 11372       | 25 |
| Lisa Darby                     | 12-21 35 <sup>th</sup> Avenue #4D<br>Astoria, N.Y. 11103      | 26 |
| Doris Brown                    | 166-01 Linden Blvd #8J<br>Jamaica, N.Y. 11434                 | 27 |
| Erica N. Coleman               | 175-09 Sayers Avenue<br>Jamaica, N.Y. 11433                   | 27 |
| Althea Flowers                 | 215-05 104 <sup>th</sup> Avenue<br>Queens Village, N.Y. 11429 | 27 |
| Bonnie Renee Briggman-Robinson | 107-50 129 <sup>th</sup> Street<br>Queens, N.Y. 11419         | 28 |
| Valerie M. Sheafe              | 118-82 Metropolitan Avenue #5E<br>Kew Gardens, N.Y. 11415     | 29 |
| Constance J. Davis             | 66-60 80 <sup>th</sup> Street<br>Middle Village, N.Y. 11379   | 30 |
| Hua Looney                     | 60-58 Putnam Avenue<br>Queens, N.Y. 11385                     | 30 |
| Christina Schiro               | 69-14 66 <sup>th</sup> Place<br>Glendale, N.Y. 11385          | 30 |
| Michael K. Walker              | 51-35 66 <sup>th</sup> Street<br>Queens, N.Y. 11377           | 30 |
| Alexandra L. Wenz              | 66-26 Hull Avenue<br>Queens, N.Y. 11378                       | 30 |
| Karron Franklin                | 144-26 182 <sup>nd</sup> Place<br>Queens, N.Y. 11413          | 31 |
| Melvin R. Johnson              | 130-16 236 <sup>th</sup> Street<br>Queens, N.Y. 11422         | 31 |
| Peter J. Labella               | 158-18 82 <sup>nd</sup> Street<br>Queens, N.Y. 11414          | 32 |
| Josephine A. Miele             | 162-35 99 <sup>th</sup> Street<br>Queens, N.Y. 11414          | 32 |
| Frank Amato                    | 225 Siegel Street<br>Brooklyn, N.Y. 11206                     | 34 |
| Mayra A. Torres                | 82 St. Edwards Street<br>Brooklyn, N.Y. 11205                 | 35 |
| Gerald Davis Sr.               | 471 Willoughby Avenue<br>Brooklyn, N.Y. 11206                 | 36 |
| Molly Golden                   | 14 Stuyvesant Avenue<br>Brooklyn, N.Y. 11221                  | 36 |
| Barbara Friedman               | 77 Ridgewood Avenue<br>Brooklyn, N.Y. 11208                   | 37 |
| Charles H. Davis               | 402 Van Brunt Street #3R<br>Brooklyn, N.Y. 11231              | 38 |
| Norma Hernandez                | 714 60 <sup>th</sup> Street #3R<br>Brooklyn, N.Y. 11220       | 38 |
| Ereka Carrington               | 415 Lefferts Avenue<br>Brooklyn, N.Y. 11225                   | 40 |
| Consula J. Edwards             | 1800 Albemarle Road #9F<br>Brooklyn, N.Y. 11226               | 40 |
| Alexander Young                | 111 East 57 <sup>th</sup> Street<br>Brooklyn, N.Y. 11203      | 41 |
| Winston L. Hoppie              | 884 East 95 <sup>th</sup> Street<br>Brooklyn, N.Y. 11236      | 42 |
| Rose A. Dequesada              | 152 72 <sup>nd</sup> Street #2K<br>Brooklyn, N.Y. 11209       | 43 |
| Abraham Helfenbaum             | 7323 3 <sup>rd</sup> Avenue                                   | 43 |

|                          |   |    |
|--------------------------|---|----|
| Roxann Vitelli Martorano | Brooklyn, N.Y. 11209<br>1164 76 <sup>th</sup> Street          | 43 |
| Christine Pascall        | Brooklyn, N.Y. 11228<br>1165 East 54 <sup>th</sup> Street #7G | 46 |
| Nicole Ryan              | Brooklyn, N.Y. 11234<br>1576 East 98 <sup>th</sup> Street     | 46 |
| Eva Broit                | Brooklyn, N.Y. 11236<br>525 Neptune Avenue                    | 47 |
| Ina Pecani               | Brooklyn, N.Y. 11224<br>1875 West 5 <sup>th</sup> Street #2R  | 47 |
| Beverly A. Smith         | Brooklyn, N.Y. 11223<br>2681 West 2 <sup>nd</sup> Street #4K  | 47 |
| Sylvia Sperber           | Brooklyn, N.Y. 11224<br>464 Neptune Avenue #10C               | 47 |
| Cathy C. Calandra        | Brooklyn, N.Y. 11229<br>2062 East 14 <sup>th</sup> Street     | 48 |
| Tatiana Kreneva          | Brooklyn, N.Y. 11229<br>1773 East 12 <sup>th</sup> Street #4G | 48 |
| Margarita Mironov        | Brooklyn, N.Y. 11235<br>2664 East 27 <sup>th</sup> Street     | 48 |
| Michelle Aguayo          | Staten Island, N.Y. 10306<br>14 Beacon Place                  | 49 |
| Irina Gaston             | Staten Island, N.Y. 10306<br>50 Hamden Avenue                 | 50 |
| Adrien Haagerman         | Staten Island, N.Y. 10306<br>57 Barbara Street                | 50 |
| Loretta R. Magrino       | Staten Island, N.Y. 10305<br>10 HarborView Place              | 50 |
| Lena Marinaro            | Staten Island, N.Y. 10305<br>90 Sand Lane                     | 50 |
| Sandra Portnoy           | Staten Island, N.Y. 10314<br>62 Gary Court                    | 50 |
| Marietta M. Cirillo      | Staten Island, N.Y. 10309<br>496 Alverson Avenue              | 51 |
| Rosemary D emeri         | Staten Island, N.Y. 10309<br>25 Cypress Loop                  | 51 |
| Joann Otterbeck          | Staten Island, N.Y. 10312<br>515 Barclay Avenue               | 51 |
| Arnold M. Pack           | Staten Island, N.Y. 10312<br>72 Robinson Avenue               | 51 |
| John Spano               | Staten Island, N.Y. 10312<br>362 Ilyssa Way                   | 51 |
| Yolanda Tucker           | Staten Island, N.Y. 10312<br>106 Bennett Place                | 51 |
| Sandra M. Walsh          | Staten Island, N.Y. 10314<br>22 Kathy Place #1B               | 51 |
| Rose Wegenarr            | Staten Island, N.Y. 10306<br>3334 Amboy Road                  | 51 |

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

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

- (1) **M 532 --** "AN ACT to authorize the city of New York to discontinue certain land as parkland and alienate such land for purposes of such consolidation project. **S.5706-A, A.8305-A (Home Rule item from the Mayor)**
- (2) **M 533 --** Transmitting recommendations of the interest rate to be charged for Fiscal Year 2012
- (3) **Int 64-A --** Electrical code, the repeal of section 27-3025 of the administrative code of the city of New York and the enactment of a new section 27-3025. **(with Message of Necessity from the Mayor requiring affirmative vote of at least two-thirds of**

- (4) **Int 361-A --**
- (5) **Res 860 --**
- (6) **Res 861 --**
- (7) **Res 862 --**
- (8) **Res 863 --**
- (9) **Res 864 --**
- (10) **Res 865 --**
- (11) **L.U. 385 & Res 880 --**
- (12) **L.U. 396 & Res 881 --**
- (13) **L.U. 397 & Res 882 --**
- (14) **L.U. 398 & Res 883 --**
- (15) **L.U. 399 & Res 884 --**
- (16) **L.U. 401 & Res 885 --**
- (17) **L.U. 402 & Res 886 --**
- (18) **L.U. 403 & Res 887 --**
- (19) **L.U. 404 & Res 888 --**
- (20) **L.U. 407 & Res 889 --**
- (21) **L.U. 408 & Res 890 --**
- (22) **L.U. 409 & Res 876 --**
- (23) **L.U. 410 & Res 877 --**
- (24) **L.U. 411 & Res 878 --**

**the Council for passage)**  
Posting of executive orders and memoranda of understanding on the city's website.  
To establish that the interest rate be 9% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.  
To establish that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.  
To establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.  
To establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.  
To establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2012.  
Organizations receiving Funding in the Expense Budget. **(Transparency Resolution)**  
App. **20115618 CCK**, Carnarsie Cemetery in the Borough of Brooklyn, Council District no. 46.  
App. **N 110176 ZRM**, Borough of Manhattan, Community District 4, Council District no. 3.  
App. **C 110177 ZMM**, Borough of Manhattan, Council District no. 3.  
App. **C 110166 ZMQ**, Council District no. 33.  
App. **C 110031 ZSQ**, public parking garage with a maximum capacity of 59 spaces, Borough of Queens, Community District 1, Council District 33.  
App. **20115596 HKM (N 110276 HKM)**, located at 466 Grand Street (a/k/a 466-470 Grand Street; 8 Pitt Street), (Block 336, part of Lot 28), Council District no. 1.  
App. **20115597 HKM (N 110277 HKM)**, located at 32 West 40th Street, (Block 841, Lot 69), Council District no. 3.  
App. **20115598 HKM (N 110278 HKM)**, located at 333 East 47th Street, (Block 1340, Lot 16), Council District no. 4.  
App. **20115599 HKX (N 110279 HKX)**, located at 4695 Independence Avenue, (Block 5924, Lot 480), Council District no. 11.  
App. **20115753 HAM**, located at Block 1861/Lot 10, Council District no. 8, Borough of Manhattan.  
App. **20115754 HAM**, located at Block 1861/Lot 10, Council District no. 8, Borough of Manhattan.  
Hudson House, 3247 Johnson Avenue, Block 5787, Lot 169, Bronx, Council District No. 11  
Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District No. 34  
Phipps Housing, 315-331 East 29<sup>th</sup> Street, Block 935, Lot 13, Manhattan, Council

- District No. 2
- (25) L.U. 412 & Res 879 -- 530 West 45th Street and 510 West 45th Street, Block 1073, Part of Lot 1 (tentative Lots 12 and 20), Manhattan, Council District No. 3
- (26) SLR 3 -- S.333, A.7007, city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure. **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (27) SLR 4 -- S.5653, A.5744-A, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service". **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (28) SLR 5 -- S.913, in relation to health insurance coverage for surviving domestic partners of members of the police department and the fire department who are enrolled in a health insurance plan. **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (29) SLR 6 -- S.5527, A.7763, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York. **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (30) SLR 7 -- S.4496-B, and Assembly Member Heastie, A.7425-A, in relation to increasing the number of traffic control signal photo violation monitoring devices". **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (31) SLR 8 -- S.5501, A.7938, ownership of certain parklands. **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (32) SLR 9 -- S.5486, A.7735, in relation to extending the expiration of the provisions thereof". **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (33) SLR 10 -- S.5717, A.8286, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2012". **(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)**
- (34) 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, Garodnick, Gennaro\*, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lapin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49\*.

The revised General Order vote recorded for this Stated Meeting was 49-0-0\* as shown above (superseding the original 47-0-0 General Order vote recorded on June 14, 2011) with the exception of the votes for the following legislative items:

The following was the revised 48-0-1 vote recorded for **M-532** (superseding the original 46-0-1 vote recorded on June 14, 2011):

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

**Abstention** – Fidler – 1.

The following was the revised 43-6-0 vote recorded for **SLR No. 6** (superseding the original 41-6-0 vote recorded on June 14, 2011)\*:

**Affirmative** – Arroyo, Barron, Brewer\*, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro\*, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – 43\*.

**Negative** – Halloran, Ignizio, Koo, Oddo, Ulrich, and Vallone, Jr. - 6.

The following was the revised 42-7-0 vote recorded for **SLR No. 7** (superseding the original 40-7-0 vote recorded on June 14, 2011)\*:

**Affirmative** – Arroyo, Barron, Brewer\*, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro\*, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – 42\*.

**Negative** - Dilan, Gentile, Halloran, Ignizio, Koo, Oddo, Ulrich – 7.

The following was the revised 42-7-0 vote recorded for **SLR No. 10** (superseding the original 40-7-0 vote recorded on June 14, 2011)\*:

**Affirmative** – Arroyo, Barron, Brewer\*, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro\*, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – 42\*.

**Negative** - Halloran, Ignizio, Koo, Oddo, Rose, Ulrich, Vallone, Jr. – 7.

The following was the revised 48-1-0 vote recorded for **LU No. 404 & Res No. 888** (superseding the original 46-1-0 vote recorded on June 14, 2011)\*:

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

**Negative** – Ignizio – 1.

\* Please see the Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 14, 2011 and the Recessed Council Meetings held on June 15, 2011 and June 28, 2011 printed after the Roll Call for Attendance for June 14, 2011 in these Minutes.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 64-A (passed under a Message of Necessity from the Mayor) and 361-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. 817-A

**Report of the Committee on Women's Issues in favor of approving, as amended, a Resolution calling upon the New York State Office of Children and Family Services to extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence to not less than 180 days.**

The Committee on Women's Issues, to which the annexed amended resolution was referred on June 14, 2011, respectfully

## REPORTS:

### I. INTRODUCTION

On June 14, 2011, the Women's Issues Committee, chaired by Council Member Julissa Ferreras, will hold a public hearing on Proposed Resolution No. 817-A and a pre-considered resolution [Res No. 856] in support of A.1986/S.5617-A, pending legislation in the New York State Legislature, which would amend the penal and criminal procedure laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.. Both resolutions support bills that would take significant steps to combat domestic violence by either providing services to domestic violence victims or punishing domestic violence abusers.

The Committees heard testimony on the resolutions on June 13, 2011 and heard testimony from several New York City District Attorneys' offices, domestic violence advocates, and other concerned community members.

### II. BACKGROUND

#### Domestic Violence

Domestic violence, also known as intimate partner violence, is a pattern of intimate partner, dating, or family violence with a central dynamic of power and control.<sup>1</sup> Domestic violence affects families from all socioeconomic backgrounds. It does not discriminate by age, race, ethnicity, education, employment status, physical fitness, or marital status. Domestic violence is more than just physical violence; it is an attempt by the batterer to control his or her partner. Batterers attempt to exercise such control in many ways, including but not limited to threats and physical acts of violence. Often times it is the emotional wounds that take far longer to heal, and which make it difficult for victims to leave the abusive relationship.

Domestic violence-related incidents do not only cause obvious physical suffering to victims. Domestic violence harms everyone in a family, household, neighborhood, and community. It damages society as a whole and is a serious problem in the United States.<sup>2</sup> In fact, according to a report released in 2000, one in every four women in the United States will experience a domestic violence incident in her lifetime.<sup>3</sup> No area of the country remains untouched by domestic violence, and New York City is no exception.

#### Domestic Violence/Intimate Partner Violence in New York City

In 2010, according to the New York City Mayor's Office to Combat Domestic Violence, there were 75 family-related homicides in New York City and the New York City Police Department (NYPD) responded to 249,440 domestic violence incidents, an average of over 680 incidents per day.<sup>4</sup> In 2009, according to the 2010 New York City Domestic Violence Fatality Review Report, there were 62 family-related homicides.<sup>5</sup> Almost half of the perpetrators of family-related homicides were the intimate partner of the victim while 25% of the perpetrators were parents; 17% were other family members and 9% involved a perpetrator who was the child of the victim.<sup>6</sup> The Fatality Review Committee examined specific circumstances of family-related homicides from 2002-2009, including weapon use, finding that knives and other cutting instruments were the most commonly used weapon, accounting for

34% of family-related homicides.<sup>7</sup> During that same time period, firearms accounted for 26% of family-related homicides.<sup>8</sup>

According to police reports, there were 32 domestic violence murders in the first four months of 2011 alone.<sup>9</sup> Although specifics are not available to the public for each case, the details of several incidents were made public via media reports. For instance, in February, Guimmia Villa was fatally shot in her place of business by her estranged husband.<sup>10</sup> The following month, Tina Adovasio was strangled in her home by her soon-to-be ex-husband, a former police officer,<sup>11</sup> and Denise Kenny was stabbed to death by her estranged husband while at work.<sup>12</sup> In April, Sara Coit was brutally stabbed and nearly decapitated by her boyfriend in their Lower East Side apartment.<sup>13</sup> A mere two days later, Eva Rubin, 63, was strangled by her 64-year-old husband in their home.<sup>14</sup>

At today's hearing we will vote on 2 resolutions on state bills that all aim to help domestic violence victims and deter abusers.

## RESOLUTIONS

### Proposed Resolution No. 817-A

Proposed Resolution No. 817-A calls upon the New York State Office of Children and Family Services (OCFS) to extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence to not less than 180 days. In New York City, the Human Resources Administration (HRA) funds and administers the City's domestic violence shelter system, whereas the State is responsible for licensing emergency shelter residential programs for victims of domestic violence. Currently, OCFS mandates that HRA provide emergency shelter and services to domestic violence victims for up to ninety days and permits one extension of up to forty-five days for a total maximum stay of 135 days or 4.5 months.<sup>15</sup> However, the New York City Department of Homeless Services, which provides shelter services to homeless individuals and families, has no limit to the maximum stay.

Victims of domestic violence face more significant barriers than the traditional homeless population in achieving independence because abusers often destroy their victim's credit, report child abuse, steal documents needed for employment and subject their victims to physical and sexual violence for every step towards independence they try to take. According to HRA, 11,276 individuals and 4,496 families were served by domestic violence shelters during Fiscal Year 2010, and only 21% of those in emergency domestic violence shelter were discharged to permanent housing within the mandatory 4.5 months.<sup>16</sup> Low-income victims of domestic violence have few resources they can rely on when trying to escape their abusers and the resources available to them are difficult to obtain given the unique issues they face. Domestic violence survivors who attempt to leave shelter and access public housing face issues that often prevent them from doing so because, among other things, the criteria for establishing priority for public housing are reliant on criminal justice documentation of violence that can be difficult or unsafe for many survivors to access. Additionally, the processing time for section 8 voucher applications is long and often exceeds the short maximum length of stay in domestic violence shelters (section 8 voucher recipients have 180 days to locate an apartment, forty-five days longer than a victim of domestic violence can stay in an HRA residential program). According to the Coalition of Domestic Violence Residential Providers, in Fiscal Year 2009, 87% of domestic violence shelter residents submitted an application for public housing while in shelter and only 2% of households exiting shelter qualified for and received public housing.<sup>17</sup> If survivors do not obtain housing within the allotted 135 day time frame they are left with few options and many return to their abusers.

Proposed Resolution No. 817-A supports A.2651/S.0973 (Jacobs/Hassell-Thompson), which would extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence by 45 days, giving domestic violence victims more time for healing, evaluating options, and obtaining medical care and housing. The bill passed the assembly on June 1, 2011 and was delivered to the senate.

Pre-considered Resolution No. in support of pending legislation in the New York State Legislature, which would amend the penal and criminal procedure laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.

This pre-considered resolution supports A.1986/S.5617-A (Rosenthal/Golden-Squadron). The bill would amend the penal and criminal procedure laws by creating a new crime of aggravated domestic violence, which would be a class E felony.

Many domestic violence abusers are repeat offenders who commit multiple acts of violence against their victims. In fact, statistics show that 38% of battered women will be victimized again within six months.<sup>18</sup> Under existing New York laws, it is possible for a domestic violence offender to face the same punishment whether he or she is convicted of a first misdemeanor domestic violence offense or a fifth misdemeanor domestic violence offense. New York State needs to provide greater protection to those who are harmed and increase penalties against those who commit serial acts of domestic violence.

Under this bill, the crime of aggravated domestic violence would occur when an offender is convicted of two or more specified domestic violence offenses within five years. The bill would provide a method to calculate the five year time period, which would exclude periods of time during which a defendant was incarcerated. The bill defines "specified domestic violence offense" as an offense in which the defendant and the victim are or were previously members of the same family or household as defined by the criminal procedure law and in which the offense includes any of certain specified offenses which range from class B misdemeanors to

class A-II felonies. Under the bill, an abuser's victims need not be the same person in order for him or her to be charged with aggravated domestic violence.

The Manhattan District Attorney's Office reports that it prosecutes many cases where abusers repeatedly commit acts of domestic violence only to be sentenced to little or no jail time.<sup>19</sup> State passage of the bill supported by this pre-considered resolution would strengthen the laws against repeat offenders by increasing the penalties when domestic violence abuse re-occurs.

### III. CONCLUSION

On June 13, 2011, the Committees had a robust discussion on Proposed Resolution No. 817-A and the pre-considered resolution [Res No. 856]. It is the committees' hope that the legislation supported by the resolutions will protect victims of domestic violence by enhancing services for them and by ensuring that batterers are punished appropriately for their serious crimes.

<sup>1</sup> Sanctuary for Families, About Domestic Violence accessed on June 8, 2011 at [http://www.sanctuaryforfamilies.org/index.php?option=com\\_content&task=view&id=47&Itemid=76](http://www.sanctuaryforfamilies.org/index.php?option=com_content&task=view&id=47&Itemid=76).

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

<sup>3</sup> See "Domestic Violence Facts" National Coalition Against Domestic Violence available at: <http://www.ncadv.org/files/DomesticViolenceFactSheet%28National%29.pdf>

<sup>4</sup> See NYC Mayor's Office to Combat Violence, Domestic Violence Fact Sheet Calendar Year 2010: [http://www.nyc.gov/html/ocdv/downloads/pdf/2010\\_annual\\_DVFactSheet.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/2010_annual_DVFactSheet.pdf)

<sup>5</sup> See NYC Domestic Violence Fatality Review Committee Annual Report 2010, available at: [http://www.nyc.gov/html/ocdv/downloads/pdf/frc\\_2010.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/frc_2010.pdf). The 2010 publication represents the fifth annual report of the Fatality Review Committee which was established through Local Law 61 of 2005. The definition of family-related homicides was expanded in the 2010 report to include homicides by boyfriends/girlfriend in order to parallel New York State's legislatively expanded definition of victim to domestic violence.

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

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Simone Weichselbaum, Family Justice Centers see 100 new clients a month amid spike in family-related homicides, New York Daily News, May 10, 2011, available at [http://articles.nydailynews.com/2011-05-10/local/29544290\\_1\\_domestic-violence-victims-domestic-slayings-health-clinic](http://articles.nydailynews.com/2011-05-10/local/29544290_1_domestic-violence-victims-domestic-slayings-health-clinic).

<sup>10</sup> Larry Celona, John Doyle, Kirstan Conley, and CJ Sullivan, Man brings flowers to ex, then shoots her in the face, *The New York Post*, February 10, 2011, available at [http://www.nypost.com/p/news/local/queens/man\\_kills\\_ex\\_wife\\_in\\_astoria\\_pharmacy\\_wPcii5rwV NJAC0pbv6v8T](http://www.nypost.com/p/news/local/queens/man_kills_ex_wife_in_astoria_pharmacy_wPcii5rwV NJAC0pbv6v8T).

<sup>11</sup> Bob Kappstatter, Alison Gendar and Corky Siemaszko, Body of missing Bronx mom Tina Adovasio found in woods; husband expected to turn himself in, New York Daily News, Mar. 17, 2011, available at [http://www.nydailynews.com/news/ny\\_crime/2011/03/16/2011-03-16\\_body\\_of\\_missing\\_bronx\\_mom\\_found\\_upstate\\_amid\\_reports\\_of\\_cop\\_husbands\\_domestic\\_violence.html](http://www.nydailynews.com/news/ny_crime/2011/03/16/2011-03-16_body_of_missing_bronx_mom_found_upstate_amid_reports_of_cop_husbands_domestic_violence.html).

<sup>12</sup> Kevin Fasick, Grieving sons return to scene of beloved mother's slaying, *The New York Post*, March 11, 2011, available at [http://www.nypost.com/p/news/local/manhattan/grieving\\_sons\\_return\\_to\\_scene\\_of\\_gwkbXoAoY1L Ab2ebEcstYkM](http://www.nypost.com/p/news/local/manhattan/grieving_sons_return_to_scene_of_gwkbXoAoY1L Ab2ebEcstYkM).

<sup>13</sup> Alison Gendar, Edgar Sandoval and Corky Siemaszko, Sara Coit, woman slashed to death in her New York apartment, mourned by friends in Connecticut, New York Daily News, Apr. 12, 2011, available at [http://www.nydailynews.com/news/ny\\_crime/2011/04/12/2011-04-12\\_sarah\\_coit\\_woman\\_slashed\\_to\\_death\\_in\\_her\\_new\\_york\\_apartment\\_mourned\\_by\\_friends\\_i.html](http://www.nydailynews.com/news/ny_crime/2011/04/12/2011-04-12_sarah_coit_woman_slashed_to_death_in_her_new_york_apartment_mourned_by_friends_i.html).

<sup>14</sup> Staten Island Woman's Death Ruled Homicide; Husband Arthur Rubin Charged with Murder, CBS New York.com, Apr. 13, 2011, available at <http://newyork.cbslocal.com/2011/04/13/staten-island-womans-death-ruled-homicide-husband-arthur-rubin-charged-with-murder/>.

<sup>15</sup> See: [http://www.ocfs.state.ny.us/main/reports/2004\\_domestic\\_violence\\_report.pdf](http://www.ocfs.state.ny.us/main/reports/2004_domestic_violence_report.pdf). Last accessed June 9, 2011.

<sup>16</sup> See: [http://www.newdestinyhousing.org/publiceducation/facts\\_statistics.htm](http://www.newdestinyhousing.org/publiceducation/facts_statistics.htm). Last accessed June 9, 2011.

<sup>17</sup> Testimony of Erin Feely-Nahem on behalf of the New York City Coalition of Domestic Violence Residential Providers at a hearing before the Committee on Public Housing, Jun 30, 2010. On file with the Committee on Public Housing.

<sup>18</sup> See Manhattan District Attorney's Office (citing statistics from the Mayor's Office to Combat Domestic Violence), available at: <http://manhattanda.org/stop-domestic-violence>.

<sup>19</sup> See Manhattan District Attorney's Office, Aggravated Domestic Violence Fact Sheet, available at: [http://manhattanda.org/sites/default/files/DV%20LINK%201\\_0.pdf](http://manhattanda.org/sites/default/files/DV%20LINK%201_0.pdf).

Accordingly, this Committee recommends the adoption of Res No. 817-A and Res No. 856 (for Res No. 856, please see the Report of the Committee on Women's Issues for Res No. 856 printed below in this voice-vote Resolutions section of these Minutes; for text of Res No. 817-A, please see immediately below:)

**(The following is the text of Res. No. 817-A:)**

Res. No. 817-A

**Resolution calling upon the New York State Office of Children and Family Services to extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence to not less than 180 days.**

By Council Members Palma, Ferreras, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Fidler, Gonzalez, Koppell, Koslowitz, Mendez, Recchia, Rose, Sanders, Van Bramer, Vann, Williams, Rodriguez, Lander, Mark-Viverito and Seabrook.

**Whereas**, The Office of Children and Family Services ("OCFS") is responsible for licensing emergency shelter residential programs for victims of domestic violence in New York State; and

**Whereas**, The Human Resources Administration ("HRA") funds and administers the New York City domestic violence shelter system, which is comprised of residential programs, as well as transitional housing for victims of domestic violence; and

**Whereas**, OCFS mandates that HRA provide emergency shelter and services to domestic violence victims for up to ninety days at a residential program and permits up to two extensions of up to forty-five days for a total maximum of stay of 135 days or 4.5 months; and

**Whereas**, The New York City Department of Homeless Services provides shelter services to homeless individuals and families with no limit to the maximum stay and people typically reside in DHS transitional homeless shelters for six months to one year; and

**Whereas**, HRA residential programs are designed to provide shelter and services to assist victims of abuse and their children in seeking safety and self-sufficiency; and

**Whereas**, This population faces more significant barriers than the traditional homeless population in achieving independence because abusers often destroy their victim's credit, report child abuse, steal documents needed for employment and subject their victims to physical and sexual violence for every step towards independence they try to take; domestic violence victims therefore require sufficient time for healing, evaluating options, obtaining medical care and other services; and

**Whereas**, According to Sanctuary for Families, domestic violence is the leading cause of serious injury to women, resulting in nearly 2 million injuries and 1,300 deaths nationwide every year; the New Destiny Housing Corporation reports that 31% of New York City's homeless have been afflicted by domestic violence; and

**Whereas**, According to HRA, 11,276 individuals and 4,496 families were served by domestic violence shelters during Fiscal Year 2010, and only 21% of those in emergency domestic violence shelter were discharged to permanent housing within the mandatory 4.5 months; and

**Whereas**, Low-income victims of domestic violence have few resources they can rely on when trying to escape their abusers and the resources available to them are difficult to obtain given the unique issues they face; and

**Whereas**, Domestic violence survivors who attempt to leave shelter and access public housing face issues that often prevent them from doing so because, among other things, the criteria for establishing priority for public housing are reliant on criminal justice documentation of violence that are difficult or unsafe for many survivors to access, and the processing time for voucher applications is long and often exceeds the short maximum length of stay in domestic violence shelters (section 8 voucher recipients have 180 days to locate an apartment, forty-five days longer than a victim of domestic violence can stay in an HRA residential program); and

**Whereas**, Due to these issues, according to the Coalition of Domestic Violence Residential Providers (the Coalition), 87% of domestic violence shelter residents submitted an application for public housing while in shelter and only 2% of households exiting shelter qualified for and received public housing; and

**Whereas**, To be eligible for the city's Advantage program (when it existed), a rental subsidy program that aided the homeless in maintaining permanent housing, an individual was required to be employed yet domestic violence shelter residents often had a difficult time obtaining employment because many lack a high school diploma or prior work experience; this lack of education, coupled with the task of recovering from years of isolation and trauma, usually made it difficult for survivors to locate employment within the 135 days that they are permitted to stay in domestic violence shelters; and

**Whereas**, If survivors do not obtain housing within the 135 day time frame, which is far less time than the allotted homeless shelter stay, they are left with few options and many will return to their abusers; and

**Whereas**, According to the 2009 data provided by the Coalition, 70% of residents who left domestic violence emergency shelters were still homeless when they were forced to leave and often at risk of continued domestic violence

**Whereas**, A.2651/S.0973 (Jacobs/Hassel-Thompson), would extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence by 45 days, giving domestic violence victims more time for healing, evaluating options, and obtaining medical care and housing; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Office of Children and Family Services to extend the maximum length of stay at emergency shelter residential programs for victims of domestic violence to not less than 180 days.

JULISSA FERRERAS, Chairperson; CHARLES BARRON, MARGARET S. CHIN, RUBEN WILLS, Committee on Women's Issues, June 14, 2011.

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. 817-A** to be adopted.

Adopted unanimously by the Council by voice vote.

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

Report for voice-vote Res. No. 856

**Report of the Committee on Women’s Issues in favor of approving a Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal and Criminal Procedure Laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.**

The Committee on Women’s Issues, to which the annexed resolution was referred on June 14, 2011, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Women's Issues for Res No, 817-A printed above in this voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(For text of the resolution, please see the Introduction and Reading of Bill section of these Minutes)

JULISSA FERRERAS, Chairperson; CHARLES BARRON, MARGARET S. CHIN, RUBEN WILLS, Committee on Women’s Issues, June 14, 2011.

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. 817-A** to be adopted.

Adopted unanimously by the Council by voice vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 590

By Council Members Arroyo, Barron, Chin, Dickens, Dromm, Eugene, Ferreras, Fidler, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Nelson, Oddo, Recchia, Rodriguez, Rose, Sanders, Ulrich, Vallone, Jr., Van Bramer, Vann, Wills and Seabrook.

**A Local Law in relation to the naming of 54 thoroughfares and public places, Police Officer Kenneth Mahon Place, Borough of the Bronx, Richard Akbar Salahuddin Drive, Borough of Brooklyn, Harry Wieder Way, Borough of Manhattan, University Settlement, Borough of Manhattan, Jack Johnson Plaza, Borough of Manhattan, Ramona Jennett Way, Borough of Manhattan, Richard Cecere Corner, Borough of Queens, 35<sup>th</sup> Avenue, Borough of Queens, Lawrence P. Dorsey Way, Borough of Brooklyn, Pietro Cesare Alberti Way, Borough of Queens, SFC Luis M. Gonzalez Street, Borough of Queens, Police Officer Vito S. Mauro - 9/11 Memorial Way, Borough of Brooklyn, Dr. Giacomo J. Buscaino Place, Borough of Brooklyn, Andrew DiOrio Boulevard, Borough of Brooklyn, Red Hook Heroes Run, Borough of Brooklyn, Abe Kanter Way, Borough of Brooklyn, Rabbi Zvi Florence Way, Borough of Brooklyn, George J. Regan Street, Borough of Queens, Dominick Berardi Way, Borough of Queens, Crossing Guard Susan Healy Way, Borough of Staten Island, Dorothy Maynor Place, Borough of Manhattan, Ricardo A. Perez Place, Borough of Manhattan, Macedonia A.M.E. Church Way, Borough of Queens, Dr. Theodore Kazimiroff Way, Borough of the Bronx, Geraldine Ferraro Way, Borough of Queens, Citizens of Mola di Bari Way, Borough of Brooklyn, LCpl. Julian T. Brennan, USMC Way, Borough of Brooklyn, Willie McDonald Way, Borough of Brooklyn, Blessed John Paul II Square, Borough of Brooklyn, Naiesha (Nana) Pearson Place, Borough of Manhattan, Young Lords Way, Borough of Manhattan, Odessa Steward Street, Borough of Manhattan, Philip Reed Way, Borough of Manhattan, Museum Mile, Borough of Manhattan, Detective Omar J. Edwards Way, Borough of Manhattan, Ellen Stewart Way, Borough of Manhattan, Fran Kaplan Way, Borough of Brooklyn, Stephen J. Solarz Way, Borough of Brooklyn, Amanda Sue Forsyth Gift of Life Way, Borough of Staten Island, Deborah L. Macula Way, Borough of Staten Island, Mother**

**Franciska Way, Borough of Staten Island, Anthony Neglia Way, Borough of Brooklyn, Zachary Sansone Way, Borough of Brooklyn, Dr. Betty Shabazz Way, Borough of Manhattan, Daniel P. Rieu Way, Borough of Staten Island, D.A. Bill Murphy Way, Borough of Staten Island, Lizzie Ruth Brown Way, Borough of Queens, Jack King Way, Borough of Queens, Ann Buehler Way, Borough of Queens, Winged Fist Way, Borough of Queens, Moses P. Cobb Way, Borough of Brooklyn, Charles C. Pinn Way, Borough of Brooklyn, Thomas White, Jr. Blvd., Borough of Queens, Henry Grate Sr. Place, Borough of Queens and the repeal of sections 3, 14, 18, 21, 27, 29, 31 and 36 of local law number 3 for the year 2011, the repeal of section 2 of local law number 18 for the year 2011.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

| New Name                           | Present Name | Limits  |
|------------------------------------|--------------|---|
| Police Officer Kenneth Mahon Place | None         | At the intersection of East 147 <sup>th</sup> Street and Southern Boulevard |

§2. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                       | Present Name | Limits   |
|--------------------------------|--------------|--|
| Richard Akbar Salahuddin Drive | None         | At the intersection of Williams Avenue and Riverdale Avenues |

§3. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name         | Present Name   | Limits                                      |
|------------------|----------------|---|
| Harry Wieder Way | Forsyth Street | Between Stanton Street and Rivington Street |

§4. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name              | Present Name    | Limits                                       |
|-----------------------|-----------------|--|
| University Settlement | Eldridge Street | Between Delancey Street and Rivington Street |

§5. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name           | Present Name | Limits   |
|--------------------|--------------|--|
| Jack Johnson Plaza | None         | At the intersection of Lenox Avenue and 142 <sup>nd</sup> Street |

§6. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name           | Present Name                  | Limits  |
|--------------------|-------------------------------|---|
| Ramona Jennett Way | West 129 <sup>th</sup> Street | Between Convent Avenue and St. Nicholas Terrace |

§7. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits   |
|-----------------------|--------------|--|
| Richard Cecere Corner | None         | At the northwest corner of 37 <sup>th</sup> Avenue and 83 <sup>rd</sup> Street |

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name  | Present Name | Limits   |
|---|--------------|--|
| 35T <sub>1</sub> H <sub>4</sub> A <sub>1</sub> V <sub>4</sub> E <sub>1</sub> N <sub>1</sub> U <sub>1</sub> E <sub>1</sub> | None         | At the southeast corner of 35 <sup>th</sup> Avenue and 81 <sup>st</sup> Street |



§9. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name               | Present Name  | Limits                                       |
|------------------------|---------------|--|
| Lawrence P. Dorsey Way | Rogers Avenue | Between Fenimore Street and Hawthorne Street |

§10. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name                  | Present Name | Limits  |
|---------------------------|--------------|---|
| Pietro Cesare Alberti Way | None         | At the intersection of 104 <sup>th</sup> Street and Corona Avenue |

§11. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name                    | Present Name | Limits  |
|-----------------------------|--------------|---|
| SFC Luis M. Gonzalez Street | None         | At the intersection of 108 <sup>th</sup> Street and 49 <sup>th</sup> Avenue |

§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name   | Present Name | Limits   |
|--|--------------|--|
| Police Officer Vito S. Mauro - 9/11 Memorial Way | None         | At the intersection of East 38 <sup>th</sup> Street and Quentin Road |

§13. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                      | Present Name | Limits   |
|-------------------------------|--------------|--|
| Dr. Giacomo J. Buscaino Place | None         | At the intersection of 77 <sup>th</sup> Street and 14 <sup>th</sup> Avenue |

§14. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                | Present Name | Limits  |
|-------------------------|--------------|---|
| Andrew DiOrio Boulevard | None         | At the intersection of 27 <sup>th</sup> Street and 4 <sup>th</sup> Avenue |

§15. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name            | Present Name | Limits  |
|---------------------|--------------|---|
| Red Hook Heroes Run | None         | at the intersection of Smith Street and Lorraine Street |

§16. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name       | Present Name | Limits  |
|----------------|--------------|---|
| Abe Kanter Way | None         | At the intersection of 65 <sup>th</sup> Street and 4 <sup>th</sup> Avenue |

§17. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name               | Present Name | Limits  |
|------------------------|--------------|---|
| Rabbi Zvi Florence Way | None         | At the northeast corner of 52 <sup>nd</sup> Street and Old New Utrecht Road |

§18. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name               | Present Name             | Limits  |
|------------------------|--------------------------|---|
| George J. Regan Street | 149 <sup>th</sup> Street | Between 8 <sup>th</sup> Avenue and 9 <sup>th</sup> Avenue |

§19. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name             | Present Name             | Limits  |
|----------------------|--------------------------|---|
| Dominick Berardi Way | 149 <sup>th</sup> Street | Between 32 <sup>nd</sup> Avenue and 33 <sup>rd</sup> Avenue |

§20. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name                       | Present Name | Limits  |
|--------------------------------|--------------|---|
| Crossing Guard Susan Healy Way | None         | At the north corner of Merry Mount Street and Klondike Avenue |

§21. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name             | Present Name                     | Limits   |
|----------------------|----------------------------------|--|
| Dorothy Maynor Place | West side of St. Nicholas Avenue | Between West 141 <sup>st</sup> Street and 145 <sup>th</sup> Street |

§22. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name               | Present Name                  | Limits                              |
|------------------------|-------------------------------|-------------------------------------|
| Ricardo A. Perez Place | West 136 <sup>th</sup> Street | Between Broadway and Hamilton Place |

§23. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name                    | Present Name | Limits  |
|-----------------------------|--------------|---|
| Macedonia A.M.E. Church Way | None         | At the intersection of Union Street and 38 <sup>th</sup> Avenue |

§24. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

| New Name                    | Present Name       | Limits                                   |
|-----------------------------|--------------------|--|
| Dr. Theodore Kazimiroff Way | Southern Boulevard | Between Fordham Road and Allerton Avenue |

§25. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits  |
|-----------------------|--------------|---|
| Geraldine Ferraro Way | None         | At the intersection of Austin Street and Ascan Avenue |

§26. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                     | Present Name | Limits  |
|------------------------------|--------------|---|
| Citizens of Mola di Bari Way | Court Street | Between 3 <sup>rd</sup> Place and 4 <sup>th</sup> Place |

§27. The following street, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                          | Present Name       | Limits   |
|-----------------------------------|--------------------|--|
| LCpl. Julian T. Brennan, USMC Way | Prospect Park West | Between 14 <sup>th</sup> Street and the circle on the south west corner of Prospect Park |

§28. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name            | Present Name  | Limits  |
|---------------------|---------------|---|
| Willie McDonald Way | Warren Street | Between 3 <sup>rd</sup> Avenue and 4 <sup>th</sup> Avenue |

§29. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name                    | Present Name    | Limits                                  |
|-----------------------------|-----------------|---|
| Blessed John Paul II Square | Humboldt Street | Between Driggs Avenue and Broome Street |

§30. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name                     | Present Name | Limits  |
|------------------------------|--------------|---|
| Naiesha (Nana) Pearson Place | None         | At the intersection of East 139 <sup>th</sup> Street and Brook Avenue |

§31. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name        | Present Name | Limits  |
|-----------------|--------------|---|
| Young Lords Way | None         | At the intersection of East 111 <sup>th</sup> Street and Lexington Avenue |

§32. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits  |
|-----------------------|--------------|---|
| Odessa Steward Street | None         | On the southwest corner of Amsterdam Avenue and West 103 <sup>rd</sup> Street |

§33. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name        | Present Name                  | Limits                                       |
|-----------------|-------------------------------|--|
| Philip Reed Way | East 111 <sup>th</sup> Street | Between 1 <sup>st</sup> Avenue and FDR Drive |

§34. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name    | Present Name           | Limits   |
|-------------|------------------------|--|
| Museum Mile | 5 <sup>th</sup> Avenue | Between East 104 <sup>th</sup> Street and 110 <sup>th</sup> Street |

§35. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name                      | Present Name                  | Limits                                 |
|-------------------------------|-------------------------------|--|
| Detective Omar J. Edwards Way | East 123 <sup>rd</sup> Street | Between Second Avenue and Third Avenue |

§36. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name          | Present Name                | Limits                                    |
|-------------------|-----------------------------|---|
| Ellen Stewart Way | East 4 <sup>th</sup> Street | Between Bowery and 2 <sup>nd</sup> Avenue |

§37. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name        | Present Name | Limits  |
|-----------------|--------------|---|
| Fran Kaplan Way | None         | At the intersection of Brighton 1 <sup>st</sup> Place and Brighton Beach Avenue |

§38. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits  |
|-----------------------|--------------|---|
| Stephen J. Solarz Way | None         | At the intersection of East 17 <sup>th</sup> Street and |

|  |  |               |
|--|--|---------------|
|  |  | Kings Highway |
|--|--|---------------|

§39. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name                            | Present Name | Limits   |
|-------------------------------------|--------------|--|
| Amanda Sue Forsyth Gift of Life Way | None         | At the intersection of Brielle Avenue and Gansevoort Boulevard |

§40. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits  |
|-----------------------|--------------|---|
| Deborah L. Macula Way | None         | At the intersection of Steele Avenue and 3 <sup>rd</sup> Street |

§41. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name             | Present Name    | Limits  |
|----------------------|-----------------|---|
| Mother Franciska Way | Columbia Avenue | Between Chicago Avenue and the St. Joseph Hill Academy Campus |

§42. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name           | Present Name | Limits   |
|--------------------|--------------|--|
| Anthony Neglia Way | None         | At the intersection of Bay 34 <sup>th</sup> Street and 86 <sup>th</sup> Street |

§43. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name            | Present Name            | Limits  |
|---------------------|-------------------------|---|
| Zachary Sansone Way | 59 <sup>th</sup> Street | Between 14 <sup>th</sup> Avenue and 15 <sup>th</sup> Avenue |

§44. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits   |
|-----------------------|--------------|--|
| Dr. Betty Shabazz Way | None         | At the intersection of Broadway and 165 <sup>th</sup> Street |

§45. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name           | Present Name | Limits   |
|--------------------|--------------|--|
| Daniel P. Rieu Way | None         | At the intersection of Bidwell Avenue and Lathrop Avenue |

§46. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

| New Name             | Present Name | Limits   |
|----------------------|--------------|--|
| D.A. Bill Murphy Way | None         | On the northwest side of Morrison Avenue and Bement Avenue |

§47. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name              | Present Name | Limits  |
|-----------------------|--------------|---|
| Lizzie Ruth Brown Way | None         | At the intersection of B43rd Street and Beach Channel Drive |

§48. The following intersection name, in the Borough of Queens, is hereby

designated as hereafter indicated.

| New Name      | Present Name | Limits  |
|---------------|--------------|---|
| Jack King Way | None         | At the southeast corner of Beach 130 <sup>th</sup> Street and Cronston Avenue |

§49. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name        | Present Name | Limits   |
|-----------------|--------------|--|
| Ann Buehler Way | None         | At the intersection of 30 <sup>th</sup> Road and 21 <sup>st</sup> Street |

§50. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name        | Present Name | Limits   |
|-----------------|--------------|--|
| Winged Fist Way | None         | At the intersection of 43 <sup>rd</sup> Street and 48 <sup>th</sup> Avenue |

§51. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name          | Present Name | Limits  |
|-------------------|--------------|---|
| Moses P. Cobb Way | None         | At the southeast corner of Bergen Street and Utica Avenue |

§52. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

| New Name            | Present Name | Limits  |
|---------------------|--------------|---|
| Charles C. Pinn Way | None         | The Lewis Avenue Triangle at Fulton Street and the Green Street space located at Fulton Street and Lewis Avenue |

§53. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

| New Name                | Present Name      | Limits  |
|-------------------------|-------------------|---|
| Thomas White, Jr. Blvd. | Stuphin Boulevard | Between Foch Boulevard and 114 <sup>th</sup> Avenue |

§54. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

| New Name              | Present Name     | Limits                                     |
|-----------------------|------------------|--|
| Henry Grate Sr. Place | Remington Street | Between Liberty Avenue and Lakewood Avenue |

§55. Sections 3, 14, 18, 21, 27, 29, 31 and 36 of local law number 3 for the year 2011 are hereby REPEALED.

§56. Section 2 of local law number 18 for the year 2011 is hereby REPEALED.

§57. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 891

**Resolution calling upon the New York State Legislature to pass and the Governor to sign Jaden’s Law, which would provide for the creation and dissemination of information pertaining to bone marrow and peripheral blood stem cell donation and registration.**

By Council Members Arroyo, Dickens, Cabrera, Comrie, Dromm, Fidler, Gonzalez, James, Koslowitz, Lander, Mendez, Recchia, Rose, Seabrook, Van Bramer, Vann, Williams and Koo.

**Whereas**, Every year in the United States, 10,000 children and adults are in need of a matched donor for a bone marrow transplant or cord blood unit; and

**Whereas**, These transplants provide potentially life-saving treatment for those that suffer from leukemia, lymphoma, or a genetic metabolic or immune system disorder; and

**Whereas**, In 2009, it is estimated that 139,860 people will be diagnosed with leukemia, lymphoma and myeloma, nearly 10 percent of all cancer diagnoses; and

**Whereas**, Every ten minutes a person dies of blood cancer, this year alone, leukemia, lymphoma and myeloma will account for 53,240 deaths in the United States; and

**Whereas**, Worldwide, there are more than 12 million registered donors of bone marrow and cord blood units; and

**Whereas**, Yet, only four out of 10 individuals who need a donation find a match and this figure is even lower for members of minority communities; and

**Whereas**, This was true for Jaden Hilton, as he lost his battle with leukemia at the age of three; and

**Whereas**, Jaden was unable to find a bone marrow match, none of his family members were suitable matches and there was not an adequate match on the National Marrow Donor Program registry; and

**Whereas**, Finding a match for Jaden was difficult as minorities are drastically underrepresented in the federal bone marrow donor registry; and

**Whereas**, To increase the number of minority donors and raise awareness about the importance of bone marrow and peripheral blood stem cell donation, New York State Assembly Member Keith Wright introduced Jaden’s Law; and

**Whereas**, A version of Jaden’s Law has already been enacted in New Jersey, and other states including Illinois, Georgia, North Carolina and Pennsylvania are considering similar measures; and

**Whereas**, New York State Jaden’s Law would require the Commissioner of the New York State Department of Health to prepare an online brochure for physicians to share with their patients; and

**Whereas**, The brochure would inform patients about their option to become a bone marrow or peripheral blood stem cell donor, as well as, provide other important information about the procedure and the benefits of donation; and

**Whereas**, The legislation would also permit individuals to make bone marrow and peripheral blood stem cell donations to the New York State Donate Life Registry; and

**Whereas**, The bill seeks to make enrolling in the Donate Life Registry easier by including this option on both voter registration cards and driver license applications; and

**Whereas**, These efforts would increase awareness about the need for bone marrow and peripheral blood stem cell donors and encourage countless individuals to register; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign Jaden’s Law, which would provide for the creation and dissemination of information pertaining to bone marrow and peripheral blood stem cell donation and registration.

Referred to the Committee on Health.

Int. No. 591

By Council Members Chin, Vacca, Brewer, Cabrera, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rose, Van Bramer, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department to post on its website information concerning passenger carrier safety ratings.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-538 to read as follows:

§ 19-538 *Passenger carrier information for consumers.* a. *The department shall place on its website a link to the federal motor carrier safety administration’s website which provides passenger carrier information for consumers.*

b. *The department shall also publish on its website information from the federal motor carrier safety administration’s website relating to any passenger carrier operating in New York City including:*

1. *Safety ratings, and*
2. *Violations and investigations based on the following:*
  - i. *unsafe driving,*
  - ii. *fatigued driving,*
  - iii. *driver fitness,*
  - iv. *controlled substances and alcohol, and*
  - v. *vehicle maintenance.*

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

Referred to the Committee on Transportation.

Int. No. 592

By Council Members Chin, Gentile, James, Koppell, Lander, Rose and Williams.

**A Local Law to amend the New York city mechanical code, in relation to filtering soot from incoming air in buildings.**

*Be it enacted by the Council as follows:*

Section 1. Section MC 605 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended by adding a new subsection 605.2.1 to read as follows:

**605.2.1 Standards for air-handling units.** *Air-handling units of mechanical ventilation systems, any portion of which provide outdoor air ventilation, shall be equipped with a particulate matter filtration system in accordance with ASHRAE 62.1 having a minimum efficiency reporting value (MERV) of 11 or greater in accordance with ASHRAE 52.2.*

*Exceptions:*

1. *Subsection 605.2.1 shall not apply to the alteration or repair of a mechanical ventilation system that was installed prior to January 1, 2012 unless such alteration or repair includes the replacement or addition of an air-handling unit in such system.*

2. *Subsection 605.2.1 shall not apply to any air-handling unit with a design capacity of less than 5,000 cfm.*

§2. The list of referenced standards of ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers) as set forth in chapter 15 of the New York city mechanical code is amended by adding two new standards to read as follows:

**ASHRAE** American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. 1791 Tullie Circle, NE Atlanta, GA 30329-2305

| Standard Reference Number | Title  |
|---------------------------|--|
| 52.2 - 2007               | Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size Ventilation for Acceptable Indoor Air Quality |
| 62.1 - 2010               | Cleaning Devices for Removal Efficiency by Particle Size Ventilation for Acceptable Indoor Air Quality   |

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

Referred to the Committee on Housing and Buildings.

Res. No. 892

**Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled “The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.**

By Council Members Chin, Vacca, Brewer, Cabrera, Comrie, Fidler, Koppell, Lander, Mendez, Recchia, Rose, Seabrook, Van Bramer, Vann, Williams and Koo.

**Whereas**, According to the American Bus Association, private intercity bus service is one of the fastest growing and most used modes of intercity transportation, and in 2008 private bus companies provided over 760 million passenger trips; and

**Whereas**, The demand for intercity bus service is projected to increase due to rising gas prices, the expensive cost of rail travel, the attacks of September 11, 2001, and the increase in ground time at airports; and

**Whereas**, The largest growth in intercity bus service comes from low fares, and curbside pick-up and drop off services, and

**Whereas**, According to a report issued by the Chaddick Institute for Metropolitan Development, intercity bus travel grew by 24% in 2010; and

**Whereas**, In 2010, over seventy-five different bus companies operated within New York State and over 2000 buses were leaving New York City each day; and

**Whereas**, Between 1999 and 2009, the average number of deaths from accidents involving private bus companies was nineteen passengers per year; and

**Whereas**, Investigations have revealed that the driver involved in the March 15, 2011 crash in the Bronx, was driving illegally because he had given false statements in order to obtain a driver’s license; and

**Whereas**, According to the American Bus Association, there is a lack of procedures in place to determine the validity of a bus driver’s license; and

**Whereas**, In March of 2011, inspectors from the Federal Motor Carrier Safety

Administration issued citations for safety problems to more than one-third of all intercity bus companies that operate in New York State; and

**Whereas**, Currently there is a companion bill, H.R. 873 and S.453 pending in Congress, which would require buses to have seat belts, stronger windows, crush-resistant roofs and a safety inspections for all new bus companies within the first 18 months after operations begin; and

**Whereas**, Thr bus accident on March 15, 2011, which took place in the Bronx and resulted in the death of fifteen passengers, brought increased scrutiny onto the industry; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled “The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.

Referred to the Committee on Transportation.

Int. No. 593

By Council Members Dilan, Arroyo, Cabrera, Mendez, Rose and Seabrook.

**A Local Law to amend the New York city building code, in relation to the requirements for concrete exposed to de-icing materials.**

*Be it enacted by the Council as follows:*

Section 1. Table 1904.2.3 of the New York city building code is amended to read as follows:

Table 1904.2.3  
REQUIREMENTS FOR CONCRETE EXPOSED TO DE-ICING CHEMICALS

| CEMENTITIOUS MATERIALS                                    | MAXIMUM PERCENT OF TOTAL CEMENTITIOUS MATERIALS BY WEIGHT <sup>a, b</sup> |
|---|---|
| Fly ash or other pozzolans conforming to ASTM C 618       | [25] 30   |
| Slag conforming to ASTM C 989                             | 50  |
| Silica fume conforming to ASTM C 1240                     | 10  |
| Total of fly ash or other pozzolans, slag and silica fume | 50 <sup>c</sup>   |
| Total of fly ash or other pozzolans and silica fume       | 35 <sup>c</sup>   |

- a. The total cementitious material also includes ASTM C 150, ASTM C 845 and ASTM C 1157 cement.
- b. The maximum percentages shall include:
  - 1. Fly ash or other pozzolans present in Type IP or I (PM) blended cement, ASTM C 595, or ASTM C 1157.
  - 2. Slag used in the manufacture of an IS or I (SM) blended cement, ASTM C 595, or ASTM C 1157.
  - 3. Silica fume, ASTM C 1240, present in a blended cement.
- c. Fly ash or other pozzolans and silica fume shall constitute no more than [25] 30 and 10 percent, respectively, of the total weight of the cementitious materials.

§ 2. This local law shall take effect one year after its enactment except that the commissioner of buildings shall take such action as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 594

By Council Members Dromm, Cabrera, James, Mendez, Rose and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an immigrant affairs coordinator within the department of parks and recreation.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title eighteen of the administrative code of the city of New York is amended by adding a new section 18-140 to read as follows:

*§18-140 Establishment of immigrant affairs coordinator. There shall be established within the department the position of “Immigrant Affairs Coordinator”. The duties of any person who shall have this position shall be determined by the commissioner, and shall include, but need not be limited to, acting as liaison to*

*immigrant communities throughout New York city on behalf of the department, and consulting with other members of the department on program implementation as it relates to immigrants.*

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

Referred to the Committee on Parks and Recreation.

Res. No. 853

**Resolution calling upon the United States Congress to take action ensuring that women in the Armed Services are given adequate access to women-specific health services, including gynecological, breast cancer, cervical cancer, preventative and mental health services.**

By Council Members Dromm, Brewer, Cabrera, Dickens, Eugene, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mendez, Recchia, Rose, Seabrook, Williams and Koo.

**Whereas**, Women have served in the United States military since the Revolutionary War; and

**Whereas**, Since that time, the roles of women in the military have changed and their numbers have dramatically increased; and

**Whereas**, According to the *Statistical Abstract of the United States: 2011*, there were 197,900 active duty women in the military as of September 30, 2008, which constitutes 14% of military personnel; and

**Whereas**, While all military personnel are eligible for healthcare through the Military Health System (MHS), women have gender-specific needs and some servicewomen and advocates have reported that these needs are not always being adequately met; and

**Whereas**, According to the Service Women Action Network (SWAN), over 65% of military pregnancies are unintended, thereby making reproductive health services imperative; and

**Whereas**, Reproductive healthcare should include adequate access to gynecological services, including contraception, emergency contraception and abortion; and

**Whereas**, Although women are barred from direct military combat, they are increasingly involved in combat situations and face the physical and emotional risk of combat duty confronted by their male counterparts; and

**Whereas**, Some advocates have claimed that women are often not adequately screened for Post-Traumatic Stress Disorder (PTSD) with the same frequency as men who have served; and

**Whereas**, Military Sexual Trauma (MST) is one of the most traumatic issues that women in the military confront and is thought to affect up to one-third of all servicewomen; and

**Whereas**, MST can include rape, sexual assault and sexual harassment and can lead to PTSD; and

**Whereas**, Due to the culture of the military, women who have MST often do not disclose their condition and are fearful to seek services; and

**Whereas**, Although steps have been taken to address some of these issues, there continue to be concerns about the adequacy of care of women in the military; and

**Whereas**, On May 2, 2011, Congress Member Niki Tsongas introduced H.R. 1679, also known as the Women's Excellence of Care and Accessibility Review and Evaluation or "WE CARE Act" which would address some of these concerns; and

**Whereas**, The WE CARE Act would direct the Secretary of Defense to conduct a comprehensive review of the availability, efficacy and adequacy of health care services available for female members of the Armed Forces; and

**Whereas**, This review would include reproductive health care services including gynecological services, and breast and cervical cancer services; primary and preventive health care services for women; the need and availability of women-specific treatment for sexual harassment, sexual assault or sexual abuse; and the extent to which military medical treatment facilities are following the policies of the Department of Defense (DoD); and

**Whereas**, The WE CARE Act would also require an assessment of the need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces; the access and efficacy of existing women-specific mental health outreach, prevention and treatment services and programs, including substance abuse programs; the access to and need for military treatment facilities focusing on the women-specific health care needs of female members of the Armed Forces; and the need for further clinical research on the women-specific health care needs of female members who served in a combat zone; and

**Whereas**, Women who serve in the United States Armed Forces deserve the best health care possible and it is our duty to provide it to them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to take action ensuring that women in the Armed Services are given adequate access to women-specific health services, including gynecological, breast

cancer, cervical cancer, preventative and mental health services.

Referred to the Committee on Veterans.

Res. No. 854

**Resolution calling upon the United States Congress to pass and the President to sign the Defense STRONG Act to strengthen and increase resources available to victims of military sexual trauma.**

By Council Members Dromm, Lappin, Brewer, Cabrera, Dickens, Eugene, Fidler, Gentile, Gonzalez, Koppell, Koslowitz, Lander, Recchia, Rose, Seabrook and Williams.

**Whereas**, Recent studies reveal that up to one in three women leaving military service report they have experienced some form of Military Sexual Trauma (MST), which is a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment that occurred while a veteran was serving on active duty or training; and

**Whereas**, MST affects both women and men in uniform, but disproportionately affects women; and

**Whereas**, MST often leads to long-term debilitating psychological conditions, including Post Traumatic Stress Disorder (PTSD) and depression; and

**Whereas**, In 2010, the Department of Veterans Affairs (VA) medical staff treated more than 68,000 veterans who reported some sexual trauma during their military service; and

**Whereas**, According to Department of Defense statistics, more than 3,150 military sexual assaults were reported in 2010; and

**Whereas**, Pentagon officials estimate that less than fourteen percent of sexual assault crimes against military personnel are reported; and

**Whereas**, Only eight percent of sexual assault allegations are prosecuted in the military, as compared to forty percent of sexual assault allegations amongst civilians; and

**Whereas**, On April 13, 2011, Congressman Turner and Congresswoman Tsongas reintroduced the Defense Sexual Trauma Response, Oversight and Good Governance Act, also known as the Defense STRONG Act, a bill that would provide expanded legal rights and protections for service members who have been victim of sexual assault while serving in the military; and

**Whereas**, The legislation would provide victims with an opportunity for legal counsel to better understand their rights and options; and

**Whereas**, The bill would provide for an expedited opportunity to transfer to another base when their attacker serves alongside them; and

**Whereas**, The Act would make more reporting and counseling sessions confidential and privileged; and

**Whereas**, Other provisions would make it easier to share sexual assault records with VA medical services and provide more comprehensive training for military victim advocates; and

**Whereas**, The legislation would mandate additional training on sexual assault prevention for troops; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the Defense STRONG Act to strengthen and increase resources available to victims of military sexual trauma.

Referred to the Committee on Veterans

Int. No. 595

By Council Members Ferreras, Cabrera, Gentile, James, Koslowitz, Mendez, Van Bramer and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring calorie posting for certain mobile food vendors.**

*Be it enacted by the council as follows:*

Section 1. Subchapter 2 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding new section 17-325.3 to read as follows:

§17-325.3 *Posting of food calorie information.* a. *Definitions.* For purposes of this section, the following definitions shall apply:

(1) "Covered food service entity" means a mobile food vendor that generates forty percent or more of its revenue through the sale of frozen desserts.

(2) "Frozen desserts" means any food as defined by section 113.01 of the New York city health code including ice cream, frozen custard, French ice cream, French custard ice cream, artificially sweetened ice milk, fruit sherbet, non-fruit sherbet, water ices, non-fruit water ices, confection frozen without stirring, dairy confection frozen without stirring, manufactured dessert mix, frozen confection, melorine frozen dessert, parevine, frozen yogurt, freezer made shakes, freezer made milk shakes, dietary frozen dessert, whipped cream confection and bisque tortoni together with any mix used in making such frozen desserts. In addition, any products which are

similar in appearance, odor or taste, or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products are included as frozen desserts in this definition. Any operation producing chips or flakes of ice made from water with or without additives, served to the consumer with or without flavoring added by the operator or consumer is included as a frozen dessert within this definition, such operation being commonly known as a slush operation.

(3) "Menu" shall mean a printed list or pictorial display of a food item or items, and their price(s), that are available for sale from a covered food service entity.

(4) "Menu board" shall mean any list or pictorial display of a food item or items and their price(s) posted and visible on or adjacent to a covered food service entity.

(5) "Menu item" shall mean any individual food item, or combination of food items, listed or displayed on a menu board or menu that is sold by a covered food service entity.

(6) "Mobile food vending unit" shall mean a food service establishment as defined in Article 81 of the health code located in a pushcart or in a vehicle, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or vehicle shall be deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit shall not mean a stand or a booth.

(7) "Mobile food vendor" shall mean a person who sells or offers for sale food, or distributes food free of charge from a mobile food vending unit in any public, private or restricted space.

b. All menu boards and menus in, on or adjacent to any covered food service entity shall bear the total number of calories derived from any source for each menu item they list. Such information shall be listed clearly and conspicuously, adjacent or in close proximity such as to be clearly associated with the menu item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the menu item.

c. For menu items offered in different flavors and varieties, including, but not limited to, beverages and ice cream, the range of calorie content values showing the minimum to maximum numbers of calories for all flavors and varieties of that item shall be listed on menu boards and menus for each size offered for sale.

d. For combinations of different food items listed or pictured as a single menu item, the range of calorie content values showing the minimum to maximum numbers of calories for all combinations of that menu item shall be listed on menu boards and menus. If there is only one possible calorie total for the combination, then that total shall be listed on menu boards and menus.

e. Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine not to exceed two hundred fifty dollars. For a second offense within a continuous twelve-month period, such person shall be guilty of a violation punishable by a fine not to exceed five hundred dollars. For a third or subsequent offense within a continuous twelve-month period, such person shall be guilty of a violation punishable by a fine not to exceed one thousand dollars and the suspension of such individual's food vending permit for the period of one year.

f. The commissioner, and any other designated representatives, shall be empowered to enforce the provisions of this section or any rule promulgated hereunder.

§ 2. This local law shall take effect one hundred twenty days after enactment; provided, however, that the commissioner shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

Referred to the Committee on Health.

Res. No. 855

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2003 and S.1438, legislation which would allow an adopted person who is at least eighteen years of age to request a noncertified copy of his or her original birth certificate and a medical history form, if available, from the Department of Health.**

By Council Members Ferreras, Cabrera, Comrie, James, Recchia, Rose, Van Bramer and Williams.

**Whereas**, Adoption is a mechanism by which adults legalize their parental relationship to non-biological children as well as a means to bring children into families; and

**Whereas**, In 2000, of the 65.6 million children in the United States under the age of 18, approximately 1.6 million were adopted; and

**Whereas**, The total number of adoptions in the United States in fiscal year 2009 was 57,000; and

**Whereas**, When an individual is adopted, a new birth certificate is issued to include the adoptive parents and the original birth certificate is sealed; and

**Whereas**, In New York State a non-adopted person has a legal right to obtain access to his or her original birth certificate; and

**Whereas**, In contrast, an adoptee cannot access his or her original birth

certificate, unless the adoptee resorts to going through the judicial process, and this does not necessarily guarantee that the adoptee will be granted access to these important records; and

**Whereas**, This inequity represents a denial of an adopted persons' right to access information regarding their origins and heritage; and

**Whereas**, The information contained in these records is vital to an individual's well-being and will enable adoptees to gain knowledge about their family history, religious background and medical history; and

**Whereas**, Alabama, Alaska, Delaware, Kansas, Maine, New Hampshire, Oregon and Tennessee all allow adopted individuals open access to their original birth certificates; and

**Whereas**, Assembly Member David Weprin and Senator Velmannette Montgomery introduced A.2003 and S.1438, legislation which would amend the public health law and the domestic relations law, in relation to enacting the "Bill of Adoptee Rights;" and

**Whereas**, The "Bill of Adoptee Rights" would provide adopted individuals with open access to their birth certificates by allowing adopted persons who are at least eighteen years of age to request from the Department of Health a noncertified copy of their original birth certificates and/or medical histories if available, upon proper identification and payment of a nominal fee; and

**Whereas**, Opponents of open access to original birth certificates may argue that this policy does not protect the birth parent, who may have chosen adoption based on keeping their contact information confidential, however, the legislation provides for a contact preference form for the birth parent to fill out indicating whether they would like their biological child to make contact with them; and

**Whereas**, According to the American Adoption Congress, since 2000, in five states with open adoption policies, an average of only one out of 2,000 birth parents requested that their biological child not make contact with them; and

**Whereas**, Considering that adopted persons have historically been denied the inherent right to information about their origins and heritage without court approval, this legislation strives to achieve equality for the members of all families, regardless of how they are formed; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2003 and S.1438, legislation which would allow an adopted person who is at least eighteen years of age to request a noncertified copy of his or her original birth certificate and a medical history form, if available, from the Department of Health.

Referred to the Committee on Health.

Res. No. 856

**Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal and Criminal Procedure Laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.**

By Council Members Ferreras, the Speaker (Council Member Quinn) and Council Members Weprin, Vallone, Comrie, Fidler, Gentile, Koslowitz, Lander, Mark-Viverito, Mendez, Rose, Williams and Koo.

**Whereas**, Those who commit acts of domestic violence can cause harm to their victims in a variety of ways including through physical injury and verbal abuse; and

**Whereas**, Some domestic violence abusers are repeat offenders, committing multiple acts of violence against their victims; and

**Whereas**, Such abusers may have a long criminal history of assaulting their victims; and

**Whereas**, In New York County alone, there were 622 individuals convicted of two or more domestic violence offenses between 2004 and 2009; and

**Whereas**, Under existing New York laws, a domestic violence offender faces the same punishment whether he or she is convicted of a first misdemeanor domestic violence offense or a fifth misdemeanor domestic violence offense; and

**Whereas**, As a result, individuals who need protection may not be sufficiently protected from harm and those who commit serial acts of domestic violence are not sufficiently punished; and

**Whereas**, In order to strengthen the laws against repeat domestic violence offenders, New York State must increase penalties when domestic violence abuse re-occurs, regardless of whether it is the same or a different victim; and

**Whereas**, Unlike New York State, other jurisdictions including Georgia, Michigan, Ohio, Oklahoma, Texas, Vermont and Utah recognize the importance of dealing with repeat domestic violence offenders by providing felony penalties for second misdemeanor domestic violence offenses; and

**Whereas**, Senator Daniel Squadron, Senator Martin Golden and Assemblymember Linda Rosenthal introduced A.1986/S.5617-A, which would address the problem of serial domestic violence offenders by amending the Penal and Criminal Procedure laws to create a new crime of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years; and

**Whereas**, Aggravated domestic violence would be a class E felony carrying a

minimum sentence of five years' probation and a maximum sentence of state prison time; and

**Whereas**, A.1986/S.5617-A would provide a method to calculate the five year time period, which for counting purposes, would exclude any period of time in which a defendant was incarcerated; and

**Whereas**, A.1986/S.5617-A defines "specified domestic violence offense" as an offense in which the defendant and the victim are or were previously members of the same family or household as defined by the Criminal Procedure Law and in which the offense includes any of certain specified offenses which range from class B misdemeanors to class A-II felonies; and

**Whereas**, A.1986/S.5617-A would also establish that the victims of the specified domestic violence offenses can be different and that a victim need not be a member of the same family or household; and

**Whereas**, New York State should act swiftly on these bills to address the issue of serial domestic violence offenders before such serial offenders can harm more people; now, therefore, be it

**Resolved**, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal and Criminal Procedure Laws by creating the E felony of aggravated domestic violence when an offender is convicted of two or more specified domestic violence offenses within five years.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Women's Issues).

Preconsidered State Legislation Res. No. 3

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Diaz, S.333, and Assembly Member Arroyo, A.7007, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Bronx to former owner St. Peter's Lutheran Church, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 2285, Lot No. 73 on tax map for the borough of Bronx".**

By Council Members Foster and Comrie.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Diaz, S.333, and Assembly Member Arroyo, A.7007, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Bronx to former owner St. Peter's Lutheran Church, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 2285, Lot No. 73 on tax map for the borough of Bronx".

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 4

**State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by the Senate Rules Committee, S.5653, and Assembly Member Abbate, A.5744-A, "AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service".**

By Council Members Foster, Comrie and Gentile.

**Whereas**, A Bill has been introduced in the New York State Legislature by the Senate Rules Committee, S.5653, and Assembly Member Abbate, A.5744-A, "AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service".

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 5

**State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Krueger, S.913, "AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving domestic partners of members of the police department and the fire department who are enrolled in a health insurance plan".**

By Council Members Foster, Dickens and Lander.

**Whereas**, A bill has been introduced in the New York State Legislature by Senator Krueger, S.913, "AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving domestic partners of members of the police department and the fire department who are enrolled in a health insurance plan".

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 6

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by the Senate Rules Committee, S.5527, and Assembly Member Silver, A.7763, "AN ACT to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York".**

By Council Members Foster and Comrie.

**Whereas**, Bills have been introduced in the New York State Legislature by the Senate Rules Committee, S.5527, and Assembly Member Silver, A.7763, "AN ACT to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 884 of the laws of 1975 and chapter 882 of the laws of 1977, relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York".

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 7

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.4496-B, and Assembly Member Heastie, A.7425-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of traffic control signal photo violation monitoring devices”.**

By Council Members Foster, Comrie and Lander.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.4496-B, and Assembly Member Heastie, A.7425-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of traffic control signal photo violation monitoring devices”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 8

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Stavisky, S.5501, and Assembly Member Aubry, A.7938, “AN ACT to authorize the city of New York to transfer ownership of certain parklands to Alexander's of Rego Park III, Inc.”**

By Council Members Foster, Comrie and Koslowitz.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Stavisky, S.5501, and Assembly Member Aubry, A.7938, “AN ACT to authorize the city of New York to transfer ownership of certain parklands to Alexander's of Rego Park III, Inc.”

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 9

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.5486, and Assembly Member Farrell, A.7735, "AN ACT to amend chapter 130 of the laws of 1998, amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof”.**

By Council Members Foster and Comrie.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Lanza, S.5486, and Assembly Member Farrell, A.7735, "AN ACT to amend chapter 130 of the laws of 1998, amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

State Legislation Res. No. 10

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5717, and Assembly Member Farrell, A.8286, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2012”.**

By Council Members Foster and Comrie.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.5717, and Assembly Member Farrell, A.8286, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2012”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 596

By Council Members Garodnick, Chin, James, Nelson, Williams and Koo

**A Local Law to amend the administrative code of the city of New York, in relation to electric assisted bicycles.**

*Be it enacted by the council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§19-176.3 *Electric assisted bicycles. a. For the purposes of this section, the term “electric assisted bicycle” shall mean a bicycle with two or three wheels which has a saddle and fully operable pedals for human propulsion and also has an electric motor with a power output of less than seven hundred and fifty watts, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs one hundred and seventy pounds, is less than twenty miles per hour.*

*b. Except as provided in subdivision c of this section, all penalties applicable to bicycles in this code or in the vehicle and traffic law shall be double for electric assisted bicycles.*

*c. This section shall not apply where the penalty for the violation would be in conflict with New York state or federal law.*

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

Referred to the Committee on Transportation.

Int. No. 597

By Council Members Garodnick, James, Koppell, Mendez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to pedicab odometers, fares and receipts.**

*Be it enacted by the council as follows:*

Section 1. Paragraph 12 of subdivision a of section 20-254 of title 20 of the administrative code of the city of New York is amended to read as follows:

12. a timer, of a type approved by the commissioner, affixed within clear view of passengers, if the rate charged is on period of use, *or an odometer, of a type approved by the commissioner, affixed within clear view of passengers, if the rate is*



charged according to a uniform measurement of distance;

§2. Subdivision c of section 20-260 of title 20 of the administrative code of the city of New York is amended by amending subdivision c and adding a new subdivision d to read as follows:

c. The pedicab driver shall provide passengers with a receipt listing the [amount of the charge for the use of the pedicab, the license number of the pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedicab driver's license number and the telephone number at the department where complaints by consumers can be reported.](i) name, address and telephone number of the pedicab business; (ii) license number of the pedicab business, which shall be clearly identified as a New York city department of consumer affairs license number; (iii) pedicab driver's name; (iv) pedicab driver's license number, which shall be clearly identified as a New York city department of consumer affairs license number; (v) date of the pedicab ride; (vi) total cost of the pedicab ride; (vii) basis on which such cost is calculated; (viii) if cost was calculated by period of use, the time the pedicab ride began and time the pedicab ride ended; and (ix) if cost was calculated by a uniform measurement of distance, the total distance of the pedicab ride.

1. If a pedicab driver discloses the total cost of the pedicab ride to a passenger before the pedicab ride commences, the pedicab driver shall give such passenger the receipt required by this subdivision before the pedicab ride commences and such receipt shall state that the fare was quoted upfront.

2. The receipt shall state that if a passenger has a complaint concerning the pedicab business or driver, the passenger should call 311.

d. Where a pedicab driver does not calculate his or her rates by time or by a uniform measurement of distance with an approved timer or odometer in accordance with paragraph 12 of subdivision a of section 20-245 of title 20 of the administrative code, such pedicab driver shall disclose the total cost of the pedicab ride to passengers before commencing a pedicab ride. The cost disclosed prior to the pedicab ride shall be the final and total cost of the ride.

§ 3. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

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

Res. No. 857

**Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.698-B and S.4244-A, an act to amend the criminal procedure law, in relation to certain domestic violence offenses.**

By Council Members Lappin, Weprin, Brewer, Cabrera, Fidler, Gentile, Koppell, Koslowitz, Lander, Mendez, Recchia, Van Bramer and Williams.

**Whereas**, Currently, under federal law, a federal firearms licensee (FEL) may not sell or otherwise dispose of a firearm to a person who has been convicted of a misdemeanor crime of domestic violence (MCDV); and

**Whereas**, The FBI's National Instant Criminal Background Check System (NICS) determines firearm eligibility by conducting a background check, which must be completed within three business days; and

**Whereas**, In certain cases, NICS requires additional information and follow-up requests are made to other agencies, however, the way that New York State transmits information causes delays in the overall background check; and

**Whereas**, If NICS does not make a determination within three business days, an FEL may lawfully transfer a firearm; and

**Whereas**, A.698-B and S.4244-A would permit two of the three critical pieces of information required for a background check to be transmitted directly from the State to the FBI, thereby expediting the background check; and

**Whereas**, With this critical information in the NICS, if a defendant has been convicted of an MCDV, the NICS could deny a firearm application without further research, resulting in greater efficiencies in conducting background checks; and

**Whereas**, The swift transmittal of background information will better ensure that an individual who is prohibited under federal law from acquiring a firearm does not acquire such firearm; and

**Whereas**, Keeping firearms out of the hands of individuals convicted of certain crimes is crucial; domestic violence is a societal crisis that is only aggravated when already convicted individuals obtain firearms; and

**Whereas**, This legislation will help to close a potential gap in the reporting of crimes by New York State to the federal government, further ensuring that individuals convicted of MCDVs are barred from purchasing or otherwise obtaining firearms legally; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, A.698-B and S.4244-A, an act to amend the criminal procedure law, in relation to certain domestic violence offenses.

Referred to the Committee on Women's Issues.

Res. No. 858

**Resolution in support of S.1003-A/A.2494-B, which would amend the Criminal Procedure Law and the Family Court Act by requiring judges in criminal and family court proceedings to inquire as to the possession of a firearm by a defendant or respondent when an order of protection is issued.**

By Council Members Mealy, Fidler, James, Koppell, Mendez, Weprin and Williams.

**Whereas**, Domestic violence continues to be a problem in New York City and around the country; and

**Whereas**, The physical actions of domestic violence abusers can range from pushing and shoving to beating, stabbing, and even shooting; and

**Whereas**, According to the New York City Domestic Violence Fatality Review Report, between 2002 and 2009, there were 543 family-related homicides; 26 percent of which involved a firearm; and

**Whereas**, Given that firearms were the cause of 142 family-related homicides in this time period, all steps should be taken to ensure that domestic violence abusers do not have ready access to firearms; and

**Whereas**, One protective measure available to victims is a family or criminal court order of protection, in which the judge can order a respondent or defendant to stay away from a victim's home, work place, or other location; and

**Whereas**, Current law allows judges to order, under certain circumstances, the revocation or suspension of a firearms license for domestic violence abusers and to order that they surrender the firearms they currently have; and

**Whereas**, Judges can also render domestic violence abusers ineligible for firearms licenses; and

**Whereas**, Upon issuing a temporary order of protection or an order of protection some judges inquire whether the defendant or the respondent possesses a firearm; and

**Whereas**, Not all judges make such an inquiry, despite its importance in protecting a victim; and

**Whereas**, New York State needs to pass stricter laws in order to identify all the firearms that can potentially cause harm to domestic violence victims; and

**Whereas**, In order to standardize the process of inquiring about firearms in the context of orders of protection, State Senator Jose Peralta and Assemblymember Daniel J. O'Donnell introduced S.1003-A/A.2494-B, which would amend the criminal procedure law and the family court act to require judges, upon issuing an order of protection, to inquire as to the ownership and location of a firearm by the defendant or respondent; and

**Whereas**, On March 29, 2011, the State Assembly passed the bill and it is now pending in the Senate; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.1003-A/A.2494-B, which would amend the Criminal Procedure Law and the Family Court Act by requiring judges in criminal and family court proceedings to inquire as to the possession of a firearm by a defendant or respondent when an order of protection is issued.

Referred to the Committee on Women's Issues (preconsidered but laid over by the Committee on Public Safety and the Committee on Women's Issues).

Res. No. 859

**Resolution in support of A.6113/S.1870, an act to amend the Family Court Act and the Criminal Procedure Law, in relation to the duties of interpreters appointed by the courts in certain cases.**

By Council Members Mendez, James, Weprin and Williams.

**Whereas**, Domestic violence situations often require the use of orders of protection to assist in protecting the victims; and

**Whereas**, Orders of protection are provided through both criminal and family courts; and

**Whereas**, These court orders document and detail specific behaviors that cannot be committed; and

**Whereas**, If an order is violated once served, the violator can be arrested and charged with more serious crimes; and

**Whereas**, Due to the serious nature of domestic violence incidents, it is imperative that a person or persons protected by an order of protection understand his/her rights and recourse under the law; and

**Whereas**, It is also of great importance that a perpetrator or respondent understand what he/she can or cannot do and the consequences of violating the order served upon them; and

**Whereas**, Language barriers can make any document, situation, or instruction difficult to comprehend, especially legal documents and court mandated behaviors; and

**Whereas**, New York State Courts provide interpreters for proceedings if interpreters are requested and/or deemed necessary by the assigned Judge; and

**Whereas**, Interpreters are currently not used to translate orders of protection; and

Whereas, In March 2011, the New York State Assembly passed A.6113, an act that would amend the Family Court Act and the Criminal Procedure Law in relation to the duties of interpreters appointed by the courts in certain cases; and

**Whereas**, The Senate companion bill, S.1870 was introduced in January 2011, but no vote has been taken; and

**Whereas**, A.6113/S1870 would require a court issuing an order of protection to direct a court appointed interpreter already appointed to assist in a proceeding to also translate the essential terms and conditions of any order of protection issued by the court, as so outlined by the court; and

**Whereas**, Domestic violence is a serious societal and criminal issue that requires the full attention of the criminal justice system, and the use of interpreters will ensure that the victims are provided with greater protection and assist in deterring future violence; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.6113/S.1870, an act to amend the family court act and the criminal procedure law, in relation to the duties of interpreters appointed by the courts in certain cases.

Referred to the Committee on Women's Issues (preconsidered but laid over by the Committee on Public Safety and the Committee on Women's Issues).

Int. No. 598

By Council Members Recchia and Cabrera (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the SoHo business improvement district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-482 to read as follows:

§ 25-482 *SoHo business improvement district.*

a. *The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the establishment of the district; that all the real property benefited is included within the limits of the district; and that the establishment of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, there is hereby established in the borough of Manhattan, the SoHo business improvement district. Such district is established in accordance with the district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law by the council, the council shall file with the city clerk the district plan upon which the SoHo business improvement district is based.*

c. *The district plan shall not be amended except in accordance with chapter four of this title.*

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York

Referred to the Committee on Finance.

Res. No. 860

**Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, It is in the City's best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

**Whereas**, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 861

**Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

**Whereas**, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate be 18% per annum for Fiscal Year 2012 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 862

**Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

**Whereas**, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

**Whereas**, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the

“Prime Rate”), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2012 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 863

**Resolution to establish that the interest rate to be charged for Fiscal Year 2012 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.**

By Council Member Recchia.

**Whereas**, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25<sup>th</sup> of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

**Whereas**, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

**Whereas**, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”), to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

**Whereas**, The Banking Commission notes that as of May 19, 2011, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

**Whereas**, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2012 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2012 for non-payment of water rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 864

**Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2012.**

By Council Member Recchia.

**Whereas**, Section 1519-a (7)(c) of the New York City charter provides that the council may adopt a discount percentage for early payment of real estate taxes on the

fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

**Whereas**, This Resolution, dated June 19, 2011, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2012; now, therefore, be it

**Resolved**, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2012.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 865

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

By Council Member Recchia.

**Whereas**, On June 29, 2010 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, On June 19, 2009 the City Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the NYPD - Patrol Borough Staten Island, an organization receiving local discretionary funding in the amount of \$22,000 within the budget of the New York Police Department in the Fiscal 2011 Expense Budget to read: “To Purchase Tomcat Two hand-held stationary traffic radar guns with battery packs and chargers, One Flashcam for surveillance, Twenty widescreen navigators, One motion-activated 16-channel digital video recorder for training.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Community Center of the Rockaway Peninsula, Inc., an organization receiving local discretionary funding in the amount of \$50,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget to read: “To support vocational program including classroom instruction and job referral services.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for The Sunnyside Gardens Preservation Alliance, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Small Business Services to read: “Sunnyside Gardens Historic street signage (brown signs) & the purchase of imprinted tote bags for volunteers.”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Yeled V'Yalda Early Childhood Center, Inc., an organization receiving youth discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: “To support the aquatic therapy program, which is intended to help the motor and locomotion development of children ages 2-21.”; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for the NYPD - Patrol Borough Staten Island, an organization receiving local discretionary funding in the amount of \$22,000 within the budget of the New York Police Department in the Fiscal 2011 Expense Budget to read: “To Purchase Tomcat Two hand-held stationary traffic radar guns with battery packs and chargers, One Flashcam for surveillance, Twenty widescreen navigators, One motion-activated 16-channel digital video recorder for training.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Community Center of the Rockaway Peninsula, Inc., an organization receiving local discretionary funding in the amount of \$50,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget to read: “To support vocational program including classroom instruction and job referral services.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for The Sunnyside Gardens Preservation Alliance, Inc., an organization receiving local discretionary funding in the amount of \$3,500 within the budget of the Department of Small Business Services to read: “Sunnyside Gardens Historic street signage (brown signs) & the purchase of imprinted tote bags for volunteers.”; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for Yeled V'Yalda Early Childhood Center, Inc., an organization receiving youth discretionary funding in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: “To support the aquatic therapy program, which is intended to help the motor and locomotion development of children ages 2-21.”; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 6.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 865 printed in these Minutes).

Res. No. 866

**Resolution calling on the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.**

By Council Members Seabrook, Cabrera, Dickens, James, Vann and Williams.

**Whereas**, The Dubois Bunche Center for Public Policy has issued a policy plan (the “Thurgood Marshall Plan”) which calls for lawmakers to create new localized systems for employment opportunities and business development within urban centers to address the negative impact of economic disparities that impact African American and Latino communities; and

**Whereas**, The current recession has had a severe effect on the United States’ economy and an increase in the unemployment rate; and

**Whereas**, According to statistics provided by the New York State Department of Labor, New York City has an unemployment rate of 8.4 percent; and

**Whereas**, Additionally, New Yorkers of African descent have been disproportionately impacted in the City with an unemployment rate of 11.1 percent, in comparison to a rate of 5 percent for white New Yorkers; and

**Whereas**, The Bronx and Brooklyn are the boroughs with the largest proportions African American and Latino residents and have unemployment rates of 11.7 percent and 9.1 percent, respectively; and

**Whereas**, A component of the Thurgood Marshall Plan calls for the establishment of a Recovery and Opportunity Trust Fund modeled after the Massachusetts Workforce Training Fund; and

**Whereas**, The Recovery and Opportunity Trust Fund should finance job training for residents living within neighborhoods plagued with high rates of long-term chronic unemployment; and

**Whereas**, Proponents believe the Recovery and Opportunity Trust Fund should also subsidize pre-apprenticeship and apprenticeship training that is linked to energy

conservation, renewable energy, the rebuilding of core infrastructure, and the installation of broadband telecommunications networks throughout the City; and

**Whereas**, Lawmakers should develop policies that acknowledge disparities in urban neighborhoods, that identify those with high rates of chronic unemployment and that promote outcomes that advance equity and stability in job opportunities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to establish a Recovery and Opportunity Trust Fund to help train New York residents disproportionately impacted by chronic long-term unemployment factors.

Referred to the Committee on Civil Service and Labor.

Int. No. 599

By Council Members Vacca, Arroyo, Brewer, Cabrera, Chin, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Mendez, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that taxicab passenger enhancement systems be accessible to people with disabilities.**

*Be it enacted by the council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-538 to read as follows:

§ 19-538 *Accessibility requirements a. For the purposes of the section, the following terms shall have the following meanings:*

1. “Accessible to people with disabilities” shall mean any taxicab passenger enhancement system that is:

i. equipped with an assistive listening system for persons with hearing impairments that is connected with any intercom, video, or audio system, when such a system is installed; and

ii. equipped with instructions in (a) Braille and (b) large-print text in such manner as provided for and adopted by the commission.

iii. designed to be installed in a uniform location within all taxicabs.

2. “taxicab passenger enhancement system” shall mean the hardware and software that provides the following four core services:

i. credit, debit, and prepaid card payment;

ii. text messaging;

iii. trip data collection and transmission; and

iv. data transmission by means of the passenger information monitor.

b. All taxicab passenger enhancement systems must be accessible to people with disabilities.

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

Referred to the Committee on Transportation.

Res. No. 867

**Resolution calling upon the New York State Legislature to pass and the Governor to sign into law A.6663, which would enact a Transit Rider's Bill of Rights.**

By Council Members Vacca, Arroyo, Brewer, Chin, Fidler, Mendez, Rose, Vann, Williams and Nelson.

**Whereas**, In 2010 in order to close a \$800 million budget deficit, the Metropolitan Transportation Authority (“MTA”) enacted drastic reductions in service, such as the elimination of two subway lines, a reduction in service on a third subway line, the elimination of service on thirty-four bus lines, and reduced service on another sixty-five bus lines; and

**Whereas**, According to the Straphangers Campaign, the effect of these service cuts has led to longer wait times for trains and buses, more overcrowding, riders having to make additional transfers, and longer travel times for those riders that take both buses and the subway; and

**Whereas**, In addition to cutting service, the MTA also enacted a fare hikes which increased the cost of a weekly unlimited ride MetroCard from \$27 to \$29, and a monthly unlimited ride MetroCard from \$89 to \$104, and

**Whereas**, With New Yorkers paying more money for less service, it is essential that transit riders receive reliable, affordable and efficient transit; and

**Whereas**, The MTA should only enact fare hikes as a last resort when all other funding options have been exhausted; and

**Whereas**, The State and City should provide an adequate amount of funding for the MTA, in good economic times and bad; and

**Whereas**, New Yorkers should receive accurate real-time information and clear announcements about when trains and buses will arrive, before swiping a MetroCard, or upon arrival at a bus stop; and

**Whereas**, New Yorkers have a right to well-lit and safe subway and bus facilities with MTA employees on hand to provide information and to respond in case of emergency; and

**Whereas**, New Yorkers have a right to clean, regularly maintained MTA facilities, including subway stations, subway cars, buses and bus stops; and

**Whereas**, New Yorkers deserve a more accessible transit system, with low floor buses, and working elevators and escalators within all subway stations; and

**Whereas**, New Yorkers have a right to helpful, courteous service from station agents, bus drivers and other MTA employees; and

**Whereas**, The MTA should provide riders with a transparent and easy to use line of communication to address rider concerns and complaints; and

**Whereas**, The MTA should prioritize the operation, maintenance and improvement of the existing train and bus network before its expansion; and

**Whereas**, There should be a minimum of one transit worker and one transit rider as voting members of the MTA Board of Directors; and

**Whereas**, Currently there is a bill pending in the State Assembly, A.6663, which would amend the New York State Public Authorities Law to enact a "Transit Rider's Bill of Rights; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign into law A.6663, which would enact a Transit Rider's Bill of Rights.

Referred to the Committee on Transportation.

Int. No. 600

By Council Members Vallone Jr., Brewer, Chin, Comrie, Crowley, Gentile, James, Lander, Mendez and Seabrook.

**A Local Law to amend the New York City Charter, in relation to the mayor's absence from the city.**

*Be it enacted by the council as follows:*

Section 1. Section 10 of chapter one of the New York City charter is amended by adding a new subdivision e, to read as follows:

*e. Mayor's Absence from The City. When the Mayor will be beyond a two hundred and fifty mile radius of the city limits for more than 24 hours, or outside of the continental United States for any amount of time, the Mayor shall notify the Clerk of the City of New York, in writing, of the date and time at which such absence will commence and end.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 601

By Council Members Vallone, Gentile, James, Koppell and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale and display of aerosol spray paint caps.**

*Be it enacted by the Council as follows:*

Section 1. The title of section 117 of title 10 of the administrative code of the city of New York is amended to read as follows:

§ 10-117 Defacement of property, possession, sale and display of aerosol spray paint cans *or caps*, broad tipped markers and etching acid prohibited in certain instances.

§2. Subdivisions c, d, and e of section 10-117 of the administrative code of the city of New York are amended to read as follows:

c. No person shall sell or offer to sell an aerosol spray paint can *or cap*, broad tipped indelible marker or etching acid to any person under twenty-one years of age.

d. All persons who sell or offer for sale aerosol spray paint cans *or caps*, broad tipped indelible markers or etching acid shall not place such cans, markers or etching acid on display and may display only facsimiles of such cans, markers or etching acid containing no paint, ink or etching acid.

e. For the purpose of this section, the term "broad tipped indelible marker" shall mean any felt tip marker or similar implement containing a fluid that is not water soluble and which has a flat or angled writing surface one-half inch or greater. For the purpose of this section, the term "etching acid" shall mean any liquid, cream, paste or similar chemical substance that can be used to etch, draw, carve, sketch, engrave, or otherwise alter, change or impair the physical integrity of glass or metal. *For the purposes of this section, the term "cap" refers to an attachment specifically for an aerosol spray paint can, which can control the pressure and or width of paint spray.*

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

Referred to the Committee on Public Safety.

Res. No. 868

**Resolution in support of S.3666/A.5890, which would amend the penal and criminal procedure law, as well as the family court act, by: (i) creating the crimes of domestic abuse in the first and second degrees; (ii) providing for deferral of sentencing in felony domestic abuse offenses pending court ordered treatment; and (iii) granting criminal courts and family courts concurrent jurisdiction over domestic abuse offenses.**

By Council Members Vallone, Fidler, Gentile, Mendez and Weprin.

**Whereas**, Domestic violence can manifest itself in a number of ways and can have lasting and detrimental physical and emotional effects on victims and their families; and

**Whereas**, Often, domestic violence batterers abuse their victims on a regular basis; and

**Whereas**, The penal laws of many states, but not New York, identify certain crimes as domestic violence crimes; and

**Whereas**, Although many crimes in New York are used to arrest and charge domestic violence batterers, the state currently has no penal law specifically designed to be used only for domestic violence offenses; and

**Whereas**, There are federal laws prohibiting the sale of firearms to individuals who are convicted of a misdemeanor crime of domestic violence; and

**Whereas**, Because New York does not have a penal law section specifically identified as a domestic violence crime, it is possible that certain cases which might otherwise be reported to the Federal Bureau of Investigation for the purpose of excluding the convicted offenders from purchasing a firearm are not being so reported; and

**Whereas**, Furthermore, under current New York law, it is possible for batterers to only be charged with a misdemeanor offense despite having committed multiple acts of domestic violence; and

**Whereas**, It is important for New York State to equip law enforcement with the tools necessary to protect domestic violence victims and arrest and prosecute those batterers who inflict harm, especially those who are repeat offenders; and

**Whereas**, In order to bring greater protection to those who are victims of domestic violence, Senator Andrew Lanza and Assemblymember Michael Cusick introduced S.3666/A.5890; and

**Whereas**, S.3666/A.5890 would amend the penal law to add definitions for the following terms: domestic partner, fellow parent of a child in common, former spouse, and spouse; and

**Whereas**, S.3666/A.5890 would create, for the first time in New York, crimes identified as domestic violence crimes; and

**Whereas**, One of these crimes would be domestic abuse in the second degree, a class A misdemeanor, defined as when an individual, with the intent to harass, annoy, or alarm another person who is his or her spouse, former spouse, fellow parent of a child in common or domestic partner, causes physical injury to such other person; and

**Whereas**, The other crime would be domestic abuse in the first degree, an E felony, which could be charged following one of these four circumstances: (1) when, with intent to cause physical injury to another person who is his or her spouse, former spouse, fellow parent of a child in common or domestic partner, an individual causes such injury to such other person or to a third person; or (2) when an individual recklessly causes serious physical injury to his or her spouse, former spouse, fellow parent of a child in a common or domestic partner; or (3) when, with criminal negligence, an individual causes physical injury to his or her spouse, former spouse, fellow parent of a child in common or domestic partner by means of a deadly weapon or dangerous instrument; or (4) when an individual commits the crime of domestic abuse in the second degree, and he or she has previously been convicted of a violation of such or of the crime of domestic abuse in the first degree within the preceding five years; and

**Whereas**, S.3666/A.5890 would also allow a judge to order, under certain circumstances, deferred sentencing for those defendants who enter a guilty plea to the offense of domestic abuse in the first degree in order to permit the defendant to participate in a court approved domestic violence and anger management program, or treatment for substance and/or alcohol abuse and dependence and any related mental disease or disorder; and

**Whereas**, If such a defendant successfully completes the program, subject to certain conditions, the court may authorize the defendant to withdraw his/her plea of

guilty to domestic abuse in the first degree; and

**Whereas**, S.3666/A.5890 would also amend the criminal procedure law and family court act in order to grant family courts and criminal courts concurrent jurisdiction over the crimes of domestic abuse in the first and second degrees; and

**Whereas**, The passage of S.3666/A.5890 would establish specific domestic violence offenses and could, in certain cases, increase the punishment for those domestic violence abusers who commit serious acts of domestic abuse or who are repeat offenders; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.3666/A.5890, which would amend the penal and criminal procedure law, as well as the family court act, by: (i) creating the crimes of domestic abuse in the first and second degrees; (ii) providing for deferral of sentencing in felony domestic abuse offenses pending court ordered treatment; and (iii) granting criminal courts and family courts concurrent jurisdiction over domestic abuse offenses.

Referred to the Committee on Women's Issues.

Res. No. 869

**Resolution calling on the New York State Legislature to pass A.3838/S.737-A, which would strengthen identity theft laws in the State of New York.**

By Council Members Vallone, Fidler, Gentile, Recchia, Rose, Williams and Koo.

**Whereas**, According to the Federal Trade Commission (FTC), 1.3 million Americans had their identity stolen in 2009, accounting for losses totaling over \$1.7 billion; and

**Whereas**, That same year, New Yorkers made 18,906 identity theft complaints to the FTC Consumer Sentinel Network, a database of consumer complaints, ranking fourth in the nation for total volume of complaints; and

**Whereas**, According to Article 190.78 of the New York State Penal Law, a person is guilty of identity theft in the third degree, a class A misdemeanor, if he or she "knowingly and with intent to defraud assumes the identity of another person by presenting himself or herself as that other person, or by acting as that other person or by using personal identifying information of that other person and thereby" and either "obtains goods, money, property or services or uses credit in the name of such other person or causes financial loss to such person or to another person or persons" or commits a crime at the level of a class A misdemeanor or higher; and

**Whereas**, Identity theft in the first and second degrees are class D and E felonies, respectively, and apply to identity theft above certain monetary thresholds and to repeat offenders; and

**Whereas**, Currently, the most severe charge for identity theft in New York State carries a maximum penalty of seven years in prison and can only be applied if the alleged perpetrator caused a "monetary loss of over \$2,000, committed another D felony or higher offense, or had a prior conviction for identity theft, unlawful possession of personal identifying information or grand larceny"; and

**Whereas**, Though identity theft in New York State can be prosecuted across county borders, the crimes that accompany it, such as larceny, can only be prosecuted in the counties in which they took place, potentially resulting in an inefficient and fragmented prosecution of the crimes; and

**Whereas**, If passed, A.3838/S.737-A, introduced by Assembly Member Jonathan Bing and Senator Dan Squadron, respectively, would address the issue of identity theft in New York State by eliminating bureaucratic obstacles to prosecuting identity theft-associated crimes across county borders, increasing penalties for identity crimes based on the degree of their severity; and making technical corrections to existing identity theft statutes; and

**Whereas**, Specifically, A.3838/S.737-A would remove all parts of Penal Law Article 190 that mention identity theft crimes and replace them in a new Penal Law Article 191, which would create the A misdemeanor of Petit Identity Theft, the E felony of Identity Theft in the Fourth Degree, the D felony of Identity Theft in the Third Degree, the C felony of Identity Theft in the Second Degree and the B felony of Identity Theft in the First Degree; and

**Whereas**, By creating a new Penal Law Article 191, A.3838/S.737-A would enhance the criminalization of identity theft by tying the penalty to the severity of the crime as determined by monetary damage and number of persons victimized; and

**Whereas**, A.3838/S.737-A would also increase penalties for acts of identity theft committed against the elderly, the disabled, and members of the military currently deployed outside the United States; and

**Whereas**, Because identity theft and the crimes associated with it are often committed across county borders, A.3838/S.737-A would allow the crime of identity theft and its companion crimes to be prosecuted collectively in (i) the county where the crime of identity theft or its companion crimes took place, (ii) the county in which the victim of identity theft resides, or (iii) the county in which the person who incurred monetary injury as a result of the identity theft resides; and

**Whereas**, A.3838/S.737-A would also standardize some of the terminology used in Unlawful Possession of Personal Identification Information in the First, Second and Third degrees by replacing references to "personal identification information" with "personal identifying information;" and

**Whereas**, Finally, A.3838/S.737-A would also define the terms "medical

information" and "health insurance information" and amend the General Business Law and State Technology Law to include them on the list of identifying items; and

**Whereas**, In order to effectively combat identity theft crimes, it is necessary that New York State prosecutors and law enforcement professionals be armed with the toughest laws possible; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass A.3838/S.737-A, which would strengthen identity theft laws in the State of New York.

Referred to the Committee on Public Safety.

Res. No. 870

**Resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.28), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission to hold incentive auctions to provide funding to support such a network.**

By Council Members Vallone, James and Williams.

**Whereas**, Many police, fire and medical personnel across the nation still rely on radios with separate voice channels assigned by the Federal Communications Commission (FCC); and

**Whereas**, Police, fire and other first responders could not communicate effectively with one another during the terrorist attacks on September 11, 2001; and

**Whereas**, The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) urged Congress to enact legislation that provides for the expedited and increased assignment of radio spectrum for public safety purposes; and

**Whereas**, In order to ensure that first responders have the resources to communicate in an emergency, Senators Charles E. Schumer and Kirsten E. Gillibrand are co-sponsoring the Public Safety Spectrum and Wireless Innovation Act (S.28), which would establish a framework for the deployment of a nationwide, interoperable, wireless broadband network for public safety; and

**Whereas**, S.28 would allocate ten (10) megahertz of spectrum, known as the "D-block," to public safety providers; and

**Whereas**, S.28 would direct the FCC to develop technical and operational standards to ensure nationwide interoperability and build-out, including in rural areas; and

**Whereas**, S.28 would direct the FCC to establish standards that allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptible, basis to non-public safety entities, including other governmental and commercial users; and

**Whereas**, S.28 would provide the FCC with incentive auction authority, which allows existing spectrum licensees to voluntarily relinquish their airwaves in exchange for a portion of the proceeds of the commercial auction of their spectrum; and

**Whereas**, The funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis would be used to fund the construction and maintenance of the nationwide, interoperable, wireless broadband public safety network; and

**Whereas**, Such an increase in radio spectrum for public safety purposes would assist the City as it enhances its communication abilities among first responding agencies; and

**Whereas**, S.28 promotes the efficient use of our nation's airwaves; and

**Whereas**, S.28 would ensure that our first responders have access to the airwaves they need when tragedy strikes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.28), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission to hold incentive auctions to provide funding to support such a network.

Referred to the Committee on Technology.

Res. No. 871

**Resolution calling upon the New York State Legislature to codify subdivision (f) of section 212.12-a of the Uniform Rules for the New York State Trial**

**Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.**

By Council Members Vann, Arroyo, Brewer, James, Rose, Seabrook and Williams.

**Whereas**, During the past three years, millions of American homeowners have suffered the loss of their homes to mortgage foreclosure; and

**Whereas**, According to the United States Government Accountability Office, from 2005 through 2009, the foreclosure and default rates for the country reached their highest level in three decades; and

**Whereas**, It has been broadly reported that New York City has not suffered the depth and severity of the mortgage foreclosure crisis to the extent that other areas of the county have; and

**Whereas**, Whether or not this assertion is correct, since 2005, foreclosure filings in the City have more than doubled; and

**Whereas**, While some foreclosure filings may be based on correct information there are instances where that has not been the case; and

**Whereas**, A *New York Times* article from January 10, 2011, reported that judges assigned to the New York State Supreme Court have taken the initiative in attempting to combat false filings by attorneys for the financial institutions seeking to foreclose on mortgages; and

**Whereas**, The article mentioned how an upstate New York law firm was ordered to pay nearly \$20,000 in fines and penalties due to the fact that an attorney for the firm filed numerous papers which contained many "falsities;" and

**Whereas**, Other examples cited in the article include that of a law firm in Florida against whom the Florida State Attorney General is pursuing a civil investigation; and

**Whereas**, With regards to the upstate New York firm, judges have called the due diligence of the firm "slipshod work," which has resulted in some cases in the dismissal of the foreclosure action; and

**Whereas**, In light of the problem of attorneys for financial institutions filing false paperwork, the Chief Administrative Judge of the Courts of New York has promulgated a new section of the Uniform Rules for the New York State Trial Courts which would require counsel to attest to the accuracy of such paperwork by filing an affidavit or affirmation; and

**Whereas**, Since the Chief Administrative Judge can amend the rule subject only to the advice and consent of the Administrative Board of the Courts and a future Chief Administrative judge may seek to amend or repeal the rule it would be beneficial for the New York State Legislature to codify the rule, now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to codify subdivision (f) of section 212.12-a of the Uniform Rules for the New York State Trial Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.

Referred to the Committee on Community Development.

Res. No. 872

**Resolution calling upon the New York State Legislature and the Governor to increase funding for legal services in order to guarantee legal representation for indigent individuals facing foreclosure.**

By Council Members Vann, Arroyo, Eugene, Gentile, Koppell, Lander, Mendez, Rose, Williams and Nelson.

**Whereas**, Over the past several years the United States ("U.S.") housing market has experienced a crisis due to historic foreclosure rates; and

**Whereas**, There are an estimated 2.2 million households in the U.S. that are in foreclosure, including approximately 80,000 active foreclosure cases pending in New York courts; and

**Whereas**, The boroughs of Brooklyn and Queens have the highest number of foreclosure filings in New York City; and

**Whereas**, New York State is one of 23 states where foreclosures must be overseen by a judge; and

**Whereas**, In more than half of New York State cases, only the financial institution can afford legal representation, which is a disadvantage to the homeowner; and

**Whereas**, There have been instances where certain financial institutions used improper methods in hastening foreclosures, negatively impacting the homeowners' chances of keeping their property; and

**Whereas**, Many families who encounter foreclosure cannot afford legal representation, resulting in homeowners having little idea how to defend themselves; and

**Whereas**, New York State should provide legal services in order to aid those individuals who cannot afford legal representation in foreclosure proceedings; and

**Whereas**, In an attempt to help the multitude of New York State families facing foreclosure, Chief Judge Jonathan Lippman of the New York State Court of Appeals is encouraging the creation of a "civil Gideon;" specifically, he is requesting the application of the 1963 U.S. Supreme Court decision in *Gideon v. Wainwright*, a landmark decision requiring state courts to provide defendants in criminal cases who

cannot afford their own counsel with legal representation, to civil cases of foreclosure; and

**Whereas**, Judge Lippman requested a \$100 million increase in funding for legal services programs, spread over a four year period, to defray the cost of representing individuals in foreclosure proceedings who would otherwise be unable to afford legal counsel; and

**Whereas**, Publicly funded legal services organizations will likely only find the task of representing indigent foreclosure defendants manageable if the New York State Legislature and Governor agree to increase their funding; this funding would help to prevent poor families from losing their homes and be money well spent; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature and the Governor to increase funding for legal services in order to guarantee legal representation for indigent individuals facing foreclosure.

Referred to the Committee on Community Development

Int. No. 602

By Council Members Weprin, Cabrera, James and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Commissioner of the department of environmental protection and the fire commissioner to select, and the commissioner of the department of environmental protection to install and maintain fire hydrant markers.**

*Be it enacted by the council as follows:*

Section 1. Chapter 3 of title 24 of the administrative code of the city of New York is amended by adding new section 24-308.1 to read as follows:

*§24-308.1 Fire hydrant marker selection, installation and maintenance.*

*The commissioner shall, in consultation with the fire commissioner, establish specifications for fire hydrant markers and procure, install and maintain such fire hydrant markers, which shall, at a minimum, be clearly visible at least 3 feet above each fire hydrant in the city of new york. Such fire hydrant markers shall be installed by December 1, 2011 in a manner that does not impede access to the fire hydrants.*

§2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 603

By Council Members Weprin, Brewer, James and Williams.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of recycled aggregate in concrete.**

*Be it enacted by the council as follows:*

Section 1. Legislative findings and intent. The Council finds that each year in New York City, a significant amount of concrete sidewalks and roadways are built or replaced, necessitating the use thousands of tons of concrete. The materials used to create this concrete must be quarried and shipped into the City, a process that contributes to environmental degradation.

The use of recycled materials in concrete is a well-established and environmentally responsible option for the production of concrete. Utilizing recycled content reduces the quarrying and transportation of virgin materials and also reduces the need for disposal of recycled content. There is a plentiful supply of waste material in New York City available to be used as recycled content in concrete. Although concrete with recycled content has been demonstrated to meet or exceed all applicable state and federal specifications, this legislation only impacts concrete mixes with a compressive strength of 4,000 pounds per square inch or less, intending to only impact non-structural concrete.

§ 2. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-308.1 to read as follows:

*§ 6-308.1 Minimum recycled content in concrete and base course materials. a. 1. No agency shall use or purchase concrete mixes with a compressive strength of 4,000 pounds per square inch or less unless such mix contains concrete aggregate composed of not less than ten percent recycled concrete, or any other recycled aggregate material approved by the commissioner, as measured by weight;*

*2. Beginning July 1, 2013, no agency shall use or purchase concrete mixes with a compressive strength of 4,000 pounds per square inch or less unless such mix contains concrete aggregate composed of not less than fifteen percent recycled concrete, or any other recycled aggregate material approved by the commissioner, as measured by weight;*

*3. The diameter of recycled aggregate used or purchased pursuant to this subdivision shall not exceed 0.75 inches;*

*4. Concrete aggregate used or purchased pursuant to this subdivision shall not*

contain more than one percent deleterious material;

5. The provisions of this subdivision shall not apply to concrete mixes intended to be used in structures designed for the containment, storage or conveyance of water, sewage or other liquids.

b. 1. No agency shall use or purchase base course materials composed of less than fifteen percent recycled concrete, recycled asphalt, glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight.

2. Beginning July 1, 2013, no agency shall use or purchase base course materials composed of less than twenty-five percent recycled concrete, recycled asphalt, glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight.

3. All recycled concrete used or purchased pursuant to this subdivision shall be no greater than 0.75 inches in size.

4. All glass cullet used or purchased pursuant to this subdivision shall be no greater than 0.375 inches in size.

5. No more than five percent of the total weight of the base course materials used or purchased pursuant to this subdivision shall be composed of recycled asphalt.

§ 3. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-147.1 to read as follows:

§ 19-147.1 Recycled content in sidewalk construction. a. The commissioner shall promulgate rules regarding recycled content in sidewalk construction no later than July 1, 2011 pursuant to the following requirements:

1. The department shall not use or purchase base course materials composed of less than fifteen percent recycled concrete, recycled asphalt, glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight.

2. Beginning July 1, 2013, the department shall not use or purchase base course materials composed of less than twenty five percent recycled concrete, recycled asphalt glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight.

3. All recycled concrete used or purchased by the department pursuant to this subdivision shall be no greater than 0.75 inches in size;

4. All glass cullet used or purchased by the department pursuant to this subdivision shall be no greater than 0.375 inches in size;

5. No more than five percent of the total weight of the base course materials used or purchased by the department pursuant to this subdivision shall be composed of recycled asphalt.

§ 4. Section 720 of the New York city building code is amended by adding to tables 720.1(1), 720.1(2) and 720.1(3), respectively, a footnote to read as follows:

For the purposes of fire resistance, recycled concrete shall be considered siliceous aggregate, unless the aggregate in question can be documented, to the satisfaction of the building commissioner, to be of another type.

§ 5. Section 721 of the New York city building code is amended by adding to tables 721.2.1.1, 721.2.1.2(1), 721.2.1.4(1), 721.2.2.1, 721.2.3(1), 721.2.3(2), 721.2.3(3), 721.2.3(4), 721.2.3(5), 721.2.4 and 721.3.2, respectively, and figures 721.2.2.2, 721.2.2.3(1) and 721.2.2.3(2), respectively, a footnote to read as follows:

For the purposes of fire resistance, recycled concrete shall be considered siliceous aggregate, unless the aggregate in question can be documented, to the satisfaction of the building commissioner, to be of another type.

§ 6. Section 1905.2 of the New York city building code is amended to read as follows:

§ 1905.2 Selection of concrete proportions. Concrete proportions shall be determined in accordance with the provisions of sections 1905.2.1 through [1905.2.3] 1905.2.4.

§ 7. Section 1905.2 of the New York city building code is amended by adding a new subsection 1905.2.4 to read as follows:

§ 1905.2.4 Minimum recycled content. All concrete mixes for cast-in-place concrete that require a compressive strength of 4,000 pounds per square inch or less, which are not used in structures designed for the containment, storage, or conveyance of water, sewage, or other liquids, shall have the following content:

1. No less than ten percent of the aggregate shall be composed of recycled concrete, or any other recycled aggregate material approved by the commissioner, as measured by weight;

2. Beginning no later than July 1, 2013, no less than fifteen percent of the aggregate shall be composed of recycled concrete, or any other recycled aggregate material approved by the commissioner, as measured by weight;

3. The diameter of recycled aggregate shall not exceed 0.75 inches;

4. Concrete aggregate shall not contain more than one percent deleterious material.

§ 8. Section 1911 of the New York city building code is amended by adding a new subdivision 1911.2 to read as follows:

1911.2 Minimum recycled content in base course materials. Base course shall be composed as follows:

1. All base course materials shall consist of no less than fifteen percent of recycled concrete, recycled asphalt, glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight;

2. Beginning no later than July 1, 2013, all base course materials shall consist of no less than twenty-five percent of recycled concrete, recycled asphalt, glass cullet, or any other recycled aggregate material approved by the commissioner, as measured by weight;

3. The diameter of recycled concrete materials shall not exceed 0.75 inches;

4. Recycled concrete materials shall not contain more than five percent

deleterious material;

5. The diameter of any glass contained in such recycled concrete materials shall not exceed 0.375 inches; and

6. Recycled asphalt shall not exceed five percent of the total weight of recycled concrete materials.

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

Referred to the Committee on Housing and Buildings.

Int. No. 604

By Council Members Weprin, James and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to waivers issued by the department of buildings.**

Be it enacted by the council as follows:

Section 1. Chapter one of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.23 to read as follows:

§28-103.23 Waivers for off-street parking construction. At least thirty business days before a waiver is issued by the commissioner to the owner of any structure relating to the construction of off-street vehicle parking pursuant to the zoning resolution, the commissioner shall provide written notice of the application for a waiver to the community board for the community district in which the structure is located.

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

Referred to the Committee on Housing and Buildings.

Int. No. 605

By Council Members Williams, Cabrera, James, Koppell, Mendez and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to the failure of certain landlords to maintain their residential buildings.**

Be it enacted by the council as follows:

Section 1. Paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number ten for the year 2006, is amended by adding a new subparagraph 3-a to read as follows:

(3-a) To maintain a housing accommodation in such a physical condition that such housing accommodation fails to meet the requirements of the section 8 program or any other housing assistance program administered by any governmental agency so as to discourage any person who participates or is otherwise eligible for such programs from seeking to reside in such housing accommodation or to discourage a person who resides in such accommodation from participating in any such program.

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

Referred to the Committee on Civil Rights.

Int. No. 606

By Council Members Williams, Brewer, Cabrera, James, Koppell, Mendez, Rose and Seabrook.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring real estate brokers to provide notice that discrimination based upon lawful source of income is illegal.**

Be it enacted by the council as follows:

Section 1. Paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number ten for the year 2006, is amended by adding a new subparagraph 5 to read as follows:

(5) Any real estate broker, real estate salesperson or employee or agent thereof, who seeks to sell, rent or lease a housing accommodation subject to the provisions of this section shall post a sign or other notice in each place of business in which they conduct activities related to such rental or leasing, in such form and



manner as the commissioner shall determine by rule, stating that it is illegal to refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person or group of persons any housing accommodation or an interest therein because of any lawful source of income of such person or persons.,

§2. Subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number ten for the year 2006, is amended by adding a new paragraph c-1 to read as follows:

(c-1) It shall be unlawful for any real estate broker, real estate salesperson or employee or agent thereof to use any form of application for the purchase, rental or lease of a housing accommodation subject to the provisions of this section or an interest therein unless such form contains a statement in such manner as the commissioner shall determine by rule that it is illegal to discriminate based upon a prospective purchaser's, tenant's or lessee's lawful source of income.

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

Referred to the Committee on Civil Rights.

Int. No. 607

By Council Members Williams, Cabrera, James, Lander, Mendez, Rose and Vann.

**A Local Law to amend the administrative code of the city of New York, in relation to designating an officer to oversee the participation of minority-owned, women-owned, and emerging business enterprises in city contracting.**

Be it enacted by the Council as follows:

Section 1. Section 6-129 of chapter 1 of title 6 of the administrative code of the city of New York is amended to read as follows:

§6-129. Participation by minority-owned and women-owned business enterprises and emerging business enterprises in city procurement. a. Programs established. There are hereby established a program, to be administered by the department of small business services in accordance with the provisions of this section, designed to enhance participation by minority-owned and women-owned business enterprises in city procurement and a program, also to be administered by such department in accordance with the provisions of this section, designed to enhance participation by emerging business enterprises in city procurement. *To advance the goals of such programs, the mayor shall designate an officer to act as the city's director of M/WBE affairs to coordinate with the department of small business services and the city chief procurement officer to oversee all city initiatives pertaining to minority-owned business enterprises, women-owned business enterprises, and emerging business enterprises.*

b. Policy. It is the policy of the city to seek to ensure fair participation in city procurement; and in furtherance of such policy to fully and vigorously enforce all laws prohibiting discrimination, and to promote equal opportunity in city procurement by vigorously enforcing the city's contractual rights and pursuing its contractual remedies. The program established pursuant to this section is intended to address the impact of discrimination on the city's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for city business, and lowering contract costs.

c. Definitions. For purposes of this section, the following terms shall have the following meaning:

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

(2) "Agency chief contracting officer" means the person to whom an agency head has delegated authority to organize and supervise the agency's procurement activity.

(3) "Availability rate" means the percentage of business enterprises within an industry classification that are owned by minorities, women or persons who are socially and economically disadvantaged willing and able to perform agency contracts.

(4) "Bidder" means any person submitting a bid or proposal in response to a solicitation for such bid or proposal from an agency.

(5) "Bidders list" or "proposers list" means a list maintained by an agency that includes persons from whom bids or proposals can be solicited.

(6) "City" means the city of New York.

(7) "City chief procurement officer" means the person to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral

agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement.

(8) "Commercially useful function" means a real and actual service that is a distinct and verifiable element of the work called for in a contract. In determining whether an MBE, WBE or EBE is performing a commercially useful function, factors including but not limited to the following shall be considered:

(i) whether it has the skill and expertise to perform the work for which it is being utilized, and possesses all necessary licenses;

(ii) whether it is in the business of performing, managing or supervising the work for which it has been certified and is being utilized; and

(iii) whether it purchases goods and/or services from another business and whether its participation in the contract would have the principal effect of allowing it to act as a middle person or broker in which case it may not be considered to be performing a commercially useful function for purposes of this section.

(9) "Commissioner" shall mean the commissioner of small business services.

(10) "Construction contract" means any agreement with an agency for or in connection with the construction, reconstruction, demolition, excavation, renovation, alteration, improvement, rehabilitation, or repair of any building, facility, physical structure of any kind.

(11) "Contract" means any agreement, purchase order or other instrument whereby the city is committed to expend or does expend funds in return for goods, professional services, standard services, architectural and engineering services, or construction.

(12) "Contractor" means a person who has been awarded a contract.

(13) "Director" means the person the mayor has designated to coordinate and oversee the activities of the department of small business services and the city's chief procurement officer with respect to the participation of minority-owned, women-owned, and emerging business enterprises in the city.

[(13)] (14) "Directory" means a list prepared by the division of firms certified pursuant to section 1304 of the charter.

[(14)] (15) "Division" shall mean the division of economic and financial opportunity within the department of small business services.

[(30)] (16) "EBE" means an emerging business enterprise certified in accordance with section 1304 of the charter.

[(15)] (17) "Geographic market of the city" means the following counties: Bronx, Kings, New York, Queens, Richmond, Nassau, Putnam, Rockland, Suffolk and Westchester within the State of New York; and Bergen, Hudson, and Passaic within the state of New Jersey.

[(16)] (18) "Goal" means a numerical target.

[(17)] (19) "Graduate MBE," "graduate WBE" or "graduate EBE" means an MBE, WBE or EBE which shall have been awarded prime contracts by one or more agencies within the past three years where the total city funding from the expense and capital budgets for such contracts was equal to or greater than fifteen million dollars.

[(18)] (20) "Industry classification" means one of the following classifications:

(i) construction;

(ii) professional services;

(iii) standard services; and

(iv) goods.

[(19)] (21) "Joint venture" means an association, of limited scope and duration, between two or more persons who have entered into an agreement to perform and/or provide services required by a contract, in which each such person contributes property, capital, effort, skill and/or knowledge, and in which each such person is entitled to share in the profits of the venture in reasonable proportion to the economic value of its contribution.

[(20)] (22) "MBE" means a minority-owned business enterprise certified in accordance with section 1304 of the charter.

[(21)] (23) "Minority group" means Black Americans; Asian Americans, and Hispanic Americans, provided that the commissioner shall be authorized to add additional groups to this definition upon a finding that there is statistically significant disparity between the availability of firms owned by persons in such a group and the utilization of such firms in city procurement.

[(22)] (24) "Person" means any business, individual, partnership, corporation, firm, company, or other form of doing business.

[(23)] (25) "Professional services" means services that require specialized skills

and the exercise of judgment, including but not limited to accountants, lawyers, doctors, computer programmers and consultants, architectural and engineering services, and construction management services.

[(24)] (26) "Qualified joint venture agreement" means a joint venture between one or more MBEs, WBEs, and/or EBEs and another person, in which the percentage of profit to which the certified firm or firms is entitled for participation in the contract, as set forth in the joint venture agreement, is at least 25% of the total profit.

[(25)] (27) "Scope of work" means specific tasks required in a contract and/or services or goods that must be provided to perform specific tasks required in a contract.

[(26)] (28) "Standard services" means services other than professional services.

[(27)] (29) "Subcontractor" means a person who has entered into an agreement with a contractor to provide something that is required pursuant to a contract.

[(28)] (30) "Utilization rate" means the percentage of total contract expenditures expended on contracts or subcontracts with firms that are owned by women, minorities, or persons who are socially and economically disadvantaged, respectively, in one or more industry classifications.

[(29)] (31) "WBE" means a women-owned business enterprise certified in accordance with section 1304 of the charter.

d. Citywide goals. (1) The citywide contracting participation goals for MBEs, WBEs and EBEs shall be as follows:

For construction contracts under one million dollars:

|                    |  |
|--------------------|--|
| Category:          | Participation goal:  |
|                    | Black Americans 12.63% of total annual agency expenditures on such contracts   |
|                    | Hispanic Americans 9.06% of total annual agency expenditures on such contracts |
| Emerging contracts | 6% of total annual agency expenditures on such contracts                       |

For professional services contracts under one million dollars:

|                              |   |
|------------------------------|---|
| Race/gender group:           | Participation goal:   |
| Black Americans              | 9% of total annual agency expenditures on such contracts                      |
| Hispanic Americans contracts | 5% of total annual agency expenditures on such contracts                      |
|                              | Caucasian females 16.5% of total annual agency expenditures on such contracts |
| Emerging contracts           | 6% of total annual agency expenditures on such contracts                      |

For standard services contracts under one million dollars:

|                    |  |
|--------------------|--|
| Race/gender group: | Participation goal:  |
|                    | Black Americans 9.23% of total annual agency expenditures on such contracts    |
|                    | Hispanic Americans 5.14% of total annual agency expenditures on such contracts |
|                    | Caucasian females 10.45% of total annual agency expenditures on such contracts |
| Emerging contracts | 6% of total annual agency expenditures on such contracts                       |

For goods contracts under one million dollars:

|                    |                     |
|--------------------|---------------------|
| Race/gender group: | Participation goal: |
|--------------------|---------------------|

Black Americans 7.47% of total annual agency expenditures on such contracts

Asian Americans 5.19% of total annual agency expenditures on such contracts

Hispanic Americans 4.99% of total annual agency expenditures on such contracts

Caucasian females 17.87% of total annual agency expenditures on such contracts

Emerging contracts 6% of total annual agency expenditures on such contracts

For construction subcontracts under one million dollars:

|                    |   |
|--------------------|---|
| Race/gender group: | Participation goal:   |
|                    | Black Americans 12.63% of total annual agency expenditures on such subcontracts   |
|                    | Asian Americans 9.47% of total annual agency expenditures on such subcontracts    |
|                    | Hispanic Americans 9.06% of total annual agency expenditures on such subcontracts |

Emerging contracts 6% of total annual agency expenditures on such contracts

For professional services subcontracts under one million dollars:

|                              |  |
|------------------------------|--|
| Race/gender group:           | Participation goal:  |
|                              | Black Americans 9% of total annual agency expenditures on such subcontracts      |
| Hispanic Americans contracts | 5% of total annual agency expenditures on such contracts                         |
|                              | Caucasian females 16.5% of total annual agency expenditures on such subcontracts |

Emerging contracts 6% of total annual agency expenditures on such contracts

(2) Agencies shall develop agency utilization plans pursuant to subdivision g of this section. Agencies shall seek to ensure substantial progress toward the attainment of each of these goals in as short a time as practicable.

(3) The citywide goals shall not be summarily adopted as goals for individual procurements; rather, as set forth in subdivision i of this section, goals for such procurements may be set at levels higher, lower, or the same as the citywide goals.

(4)(A) Beginning twelve months after the effective date of the local law that added this section and every two years thereafter, the commissioner, in consultation with the city chief procurement officer and the director, shall, for each industry classification and each minority group, review and compare the availability rates of firms owned by minorities and women to the utilization rates of such firms in agency contracts and subcontracts, and shall on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. In making such revision, the commissioner shall consider the extent to which discrimination continues to have an impact on the ability of minorities and women to compete for city contracts and subcontracts. The commissioner shall submit the results of such review and any proposed revisions to the participation goals to the speaker of the council at least sixty days prior to publishing a proposed rule that would revise participation goals.

(B) Beginning twelve months after the effective date of the local law that added this section and every two years thereafter, the commissioner shall review information collected by the department to determine the availability and utilization of EBEs, and shall, in consultation with the city chief procurement officer and the director, on the basis of such review and any other relevant information, where appropriate, revise by rule the citywide participation goals set forth in this subdivision. Such revised goals shall be set at a level intended to assist in overcoming the impact of discrimination on such businesses.

e. Responsibilities of the division. (1) The division shall create and maintain and periodically update directories by industry classification of MBEs, WBEs, and EBEs which it shall supply to all agencies, post on its website and on other relevant city websites and make available for dissemination and/or public inspection at its offices

and other locations within each borough.

(2) The division shall make its resources available to assist agencies and contractors in (i) determining the availability of MBEs, WBEs, and EBEs to participate in their contracts as prime contractors and/or subcontractors; and (ii) identifying opportunities appropriate for participation by MBEs, WBEs, and EBEs in contracts.

(3) The division shall develop and maintain relationships with organizations representing contractors, including MBEs, WBEs, and EBEs, and solicit their support and assistance in efforts to increase participation of MBEs, WBEs and EBEs in city procurement.

(4) The division shall coordinate with city and state entities that maintain databases of MBEs, WBEs, and EBEs and work to enhance city availability data and directories.

(5) The division shall keep agency M/WBE and EBE officers informed of conferences, contractor fairs, and other services that are available to assist them in pursuing the objectives of this section.

(6) The division shall conduct, coordinate and facilitate technical assistance and educational programs for MBEs, WBEs, and EBEs and other contractors designed to enhance participation of MBEs, WBEs, and EBEs in city procurement. The division shall further develop a clearinghouse of information on programs and services available to MBEs, WBEs, and EBEs.

(7) The division shall develop standardized forms and reporting documents for agencies and contractors to facilitate the reporting requirements of this section.

(8) The division shall direct and assist agencies in their efforts to increase participation by MBEs, WBEs, and EBEs in any city-operated financial, technical, and management assistance program.

(9) The division shall study and recommend to the commissioner methods to streamline the M/WBE and EBE certification process.

(10) Each fiscal year the division, in consultation with the city chief procurement officer *and the director*, shall audit at least 5% of all contracts for which utilization plans are established in accordance with subdivision i of this section and 5% of all contracts awarded to MBEs, WBEs, and EBEs to assess compliance with this section. All solicitations for contracts for which utilization plans are to be established shall include notice of potential audit.

(11) The division shall assist agencies in identifying and seeking ways to reduce or eliminate practices such as bonding requirements or delays in payment by prime contractors that may present barriers to competition by MBEs, WBEs, and EBEs.

f. Responsibilities of agency M/WBE officers. Each agency head shall designate a deputy commissioner or other executive officer to act as the agency M/WBE officer who shall be directly accountable to the agency head concerning the activities of the agency in carrying out its responsibilities pursuant to this section. The duties of the M/WBE officer shall include, but not be limited to:

(i) creating the agency's utilization plan in accordance with subdivision g of this section;

(ii) acting as the agency's liaison with the division;

(iii) acting as a liaison with organizations and/or associations of MBEs, WBEs, and EBEs, informing such organizations and/or associations of the agency's procurement procedures, and advising them of future procurement opportunities;

(iv) ensuring that agency bid solicitations and requests for proposals are sent to MBEs, WBEs, and EBEs in a timely manner, consistent with this section and rules of the procurement policy board;

(v) referring MBEs, WBEs, and EBEs to technical assistance services available from agencies and other organizations;

(vi) reviewing requests for waivers of target subcontracting percentages and/or modifications of participation goals and contractor utilization plans in accordance with paragraphs 11 and/or 12 of subdivision i of this section;

(vii) working with the division, [and] city chief procurement officer, *and the director* in creating directories as required pursuant to subdivision k of this section. In fulfilling this duty, the agency M/WBE officer shall track and record each contractor that is an MBE, WBE or EBE and each subcontractor hired pursuant to such officer's agency contracts that is an MBE, WBE or EBE, and shall share such information with the commissioner, [and] the city chief procurement officer, *and the director*;

(viii) for contracts for which utilization goals have been established pursuant to subdivision i of this section, monitoring each contractor's compliance with its utilization plan by appropriate means, which shall include, but need not be limited to, job site inspections, contacting MBEs, WBEs and EBEs identified in the plan to confirm their participation, and auditing the contractor's books and records;

(ix) monitoring the agency's procurement activities to ensure compliance with its agency utilization plan and progress towards the participation goals as established in such plan; and

(x) providing to the city chief procurement officer *and the director* information for the reports required in subdivision l of this section and providing any other plans and/or reports required pursuant to this section or requested by the city chief procurement officer *and/or the director*.

g. Agency utilization plans. (1) Beginning May 15, 2006, and on April 1 of each year thereafter, each agency which has made procurements in excess of five million dollars during the fiscal year which ended on June 30 of the preceding calendar year shall submit an agency utilization plan for the fiscal year commencing in July of the year when such plan is to be submitted to the commissioner. Upon approval by the commissioner such plan shall be submitted to the speaker of the council. Each such plan shall, at a minimum, include the following:

(i) the agency's participation goals for MBEs, WBEs and EBEs for the year;

(ii) an explanation for any agency goal that is different than the participation goal for the relevant group and industry classification as determined pursuant to subdivision d of this section;

(iii) a list of the names and titles of agency personnel responsible for implementation of the agency utilization plan;

(iv) methods and relevant activities proposed for achieving the agency's participation goals; and

(v) any other information which the agency or the commissioner deems relevant or necessary.

(2) An agency utilization plan may be amended from time to time to reflect changes in the agency's projected expenditures or other relevant circumstances and resulting changes in such agency's participation goals. Such amendments shall be submitted to the commissioner, the city chief procurement officer, *the director*, and the speaker of the council at least thirty days prior to implementation.

h. Achieving agency participation goals. (1) Each agency head shall be directly accountable for the goals set forth in his or her agency's utilization plan.

(2) Each agency shall make all reasonable efforts to meet the participation goals established in its agency utilization plan. Agencies shall, at a minimum, use the following methods to achieve participation goals:

(i) Agencies shall engage in outreach activities to encourage MBEs, WBEs and EBEs to compete for all facets of their procurement activities, including contracts awarded by negotiated acquisition, emergency and sole source contracts, and each agency shall seek to utilize MBEs, WBEs and/or EBEs for all types of goods, services and construction they procure.

(ii) Agencies shall encourage eligible businesses to apply for certification as MBEs, WBEs and EBEs and inclusion in the directories of MBEs, WBEs and EBEs. Agencies shall also encourage MBEs, WBEs and EBEs to have their names included on their bidders lists, seek pre-qualification where applicable, and compete for city business as contractors and subcontractors. Agencies are encouraged to advertise procurement opportunities in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations, and send written notice of specific procurement opportunities to minority and women's business organizations.

(iii) All agency solicitations for bids or proposals shall include information referring potential bidders or proposers to the directories of MBEs, WBEs and EBEs prepared by the division.

(iv) In planning procurements, agencies shall consider the effect of the scope, specifications and size of a contract on opportunities for participation by MBEs, WBEs and EBEs.

(v) For construction contracts, agencies shall consider whether to enter into separate prime contracts for construction support services including, but not limited to, trucking, landscaping, demolition, site clearing, surveying and site security.

(vi) Prior to soliciting bids or proposals for contracts valued at over ten million dollars, an agency shall submit the bid or proposal to the city chief procurement officer *and the director* for a determination whether it is practicable to divide the proposed contract into smaller contracts and whether doing so will enhance competition for such contracts among MBEs, WBEs and EBEs and other potential bidders or proposers. *Upon consultation with the director*, [I]f the city chief procurement officer determines that it is both practicable and advantageous in light of cost and other relevant factors to divide such contracts into smaller contracts, then he or she shall direct the agency to do so.

(vii) Agencies shall examine their internal procurement policies, procedures and practices and, where practicable, address those elements, if any, that may negatively affect participation of MBEs, WBEs and EBEs in city procurement.

(viii) Agency M/WBE officers shall, in accordance with guidelines established

by the city chief procurement officer, establish a process for quarterly meetings with MBEs, WBEs and EBEs to discuss what the agency looks for in evaluating bids and proposals.

(ix) Agencies shall encourage prime contractors to enter joint venture agreements with MBEs, WBEs and EBEs.

i. Participation goals for construction and professional services contracts. (1) Prior to issuing the solicitation of bids or proposals for individual construction and professional services contracts, agencies shall establish a target subcontracting percentage for the contract and participation goals for MBEs, WBEs and EBEs. The "target subcontracting percentage" for the contract shall represent the percentage of the total contract which the agency anticipates a typical prime contractor in the relevant industry would in the normal course of business award to one or more subcontractors for amounts under one million dollars. The participation goals established for a contract shall represent a percentage of the total dollar value of all subcontracts for amounts under one million dollars pursuant to the award. Such goals may be greater than, less than or the same as the relevant citywide goal or goals established pursuant to subdivision d of this section. In determining the participation goals for a particular contract, an agency shall consider the following factors:

(i) the scope of work;

(ii) the availability of MBEs, WBEs and EBEs able to perform the particular tasks required in the contract;

(iii) the extent to which the type of work involved in the contract presents subcontracting opportunities for amounts under one million dollars;

(iv) the agency's progress to date toward meeting its annual participation goals through race-neutral, gender-neutral and other means, and the agency's expectations as to the effect such methods will have on participation of MBEs, WBEs and EBEs in the agency's future contracts; and

(v) any other factors the contracting agency deems relevant.

(2) A contracting agency shall not be required to establish participation goals (i) for procurements described in subdivision q of this section; or

(ii) when the agency has already attained the relevant goal in its annual utilization plan, or expects that it will attain such goal without the use of such participation goals.

(3) For each contract in which a contracting agency has established participation goals, such agency shall state in the solicitation for such contract that bidders and/or proposers shall be required to agree as a material term of the contract that, with respect to the total amount of the contract to be awarded to one or more subcontractors pursuant to subcontracts for amounts under one million dollars, the contractor shall be subject to participation goals unless such goals are modified by the agency in accordance with this section.

(4) For each contract in which participation goals are established, the agency shall include in its solicitation and/or bidding materials, a referral to the directories prepared by the division pursuant to this section.

(5) For each contract for which participation goals are established the contractor shall be required to submit with its bid or proposal, a utilization plan indicating the percentage of the work it intends to subcontract, and the percentage of work it intends to award to subcontractors for amounts under one million dollars, and, in cases where the contractor intends to award subcontracts for amounts under one million dollars, a description of the type and dollar value of work designated for participation by MBEs, WBEs and/or EBEs, and the time frames in which such work is scheduled to begin and end. When the utilization plan indicates that the bidder or proposer does not intend to award the target subcontracting percentage, the bid or proposal shall not be deemed responsive unless the agency has granted a pre-award waiver pursuant to paragraph 11 of this subdivision.

(6) For each contract for which a utilization plan has been submitted, the contracting agency shall require that within thirty days of the issuance of notice to proceed, the contractor submit a list of persons to which it intends to award subcontracts within the next twelve months. In the event that a contracting agency disapproves a contractor's selection of a subcontractor or subcontractors, the contracting agency shall allow such contractor a reasonable time to propose alternate subcontractors.

(7) For each contract for which a utilization plan has been submitted, the contractor shall, with each voucher for payment, and/or periodically as the agency may require, submit statements, certified under penalty of perjury, which shall include, but not be limited to, the total amount paid to subcontractors (including subcontractors that are not MBEs, WBEs or EBEs); the names, addresses and contact numbers of each MBE, WBE or EBE hired as a subcontractor pursuant to such plan as well as the dates and amounts paid to each MBE, WBE or EBE. The contractor shall also submit, along with its voucher for final payment, the total amount paid to subcontractors (including subcontractors that are not MBEs, WBEs or EBEs); and a final list, certified under penalty of perjury, which shall include the name, address and contact information of each subcontractor that is an MBE, WBE or EBE hired pursuant to such plan, the work performed by, and the dates and

amounts paid to each.

(8) If payments made to, or work performed by, MBEs, WBEs or EBEs are less than the amount specified in the contractor's utilization plan, the agency shall take appropriate action in accordance with subdivision o of this section, unless the contractor has obtained a modification of its utilization plan pursuant to paragraph 12 of this subdivision.

(9) When advertising a solicitation for bids or proposals for a contract for which a participation goal has been established, agencies shall include in the advertisement a general statement that the contract will be subject to participation goals for MBEs, WBEs and/or EBEs.

(10) In the event that a contractor with a contract that includes a utilization plan submits a request for a change order the value of which exceeds ten percent of such contract, the agency shall establish participation goals as if for a new contract for the work to be performed pursuant to such change order.

(11) Pre-award waiver. (i) Subject to subparagraph (ii) of this paragraph, the contracting agency may grant a full or partial waiver of the target subcontracting percentage to a bidder or proposer who demonstrates that it has legitimate business reasons for proposing the level of subcontracting in its utilization plan. The contracting agency shall make its determination in light of factors which shall include, but not be limited to, whether the bidder or proposer has the capacity and the bona fide intention to perform the contract without any subcontracting, or to perform the contract without awarding the amount of subcontracts for under one million dollars represented by the target subcontracting percentage. In making such determination, the agency may consider whether the utilization plan is consistent with past subcontracting practices of the bidder or proposer, and whether the bidder or proposer has made good faith efforts to identify portions of the contract that it intends to subcontract. Within thirty days of the registration of a contract, the city chief contracting officer shall notify the council of any such waiver granted with respect to the contract.

(ii) The agency M/WBE officer shall provide written notice of requests for a full or partial waiver of the target subcontracting percentage to the division, [and] the city chief procurement officer, *and the director*, and shall not approve any such request without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon *consultation with the director and with adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section*, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's contracts or particular categories of an agency's contracts. The city chief procurement officer shall notify the speaker of the council in writing within thirty days of the registration of a contract for which a request for a full or partial waiver of a target subcontracting percentage was granted, provided that where an agency has been authorized to grant waivers without approval of the chief procurement officer, such notice shall be provided to the speaker of the council by the agency. Such notification shall include, but not be limited to, the name of contractor, the original target subcontracting percentage, the waiver request, including all documentation, and an explanation for the approval of such request.

(12) Modification of utilization plans. (i) A contractor may request modification of its utilization plan after the award of a contract. Subject to subparagraph (ii) of this paragraph, an agency may grant such request if it determines that such contractor has established, with appropriate documentary and other evidence, that it made all reasonable, good faith efforts to meet the goals set by the agency for the contract. In making such determination, the agency shall consider evidence of the following efforts, as applicable, along with any other relevant factors:

(A) The contractor advertised opportunities to participate in the contract, where appropriate, in general circulation media, trade and professional association publications and small business media, and publications of minority and women's business organizations;

(B) The contractor provided notice of specific opportunities to participate in the contract, in a timely manner, to minority and women's business organizations;

(C) The contractor sent written notices, by certified mail or facsimile, in a timely manner, to advise MBEs, WBEs or EBEs that their interest in the contract was solicited;

(D) The contractor made efforts to identify portions of the work that could be substituted for portions originally designated for participation by MBEs, WBEs and/or EBEs in the contractor utilization plan, and for which the contractor claims an inability to retain MBEs, WBEs or EBEs;

(E) The contractor held meetings with MBEs, WBEs and/or EBEs prior to the date their bids or proposals were due, for the purpose of explaining in detail the scope and requirements of the work for which their bids or proposals were solicited;

(F) The contractor made efforts to negotiate with MBEs, WBEs and/or EBEs as relevant to perform specific subcontracts, or act as suppliers or service providers;

(G) Timely written requests for assistance made by the contractor to the agency M/WBE liaison officer and to the division;

(H) Description of how recommendations made by the division and the

contracting agency were acted upon and an explanation of why action upon such recommendations did not lead to the desired level of participation of MBEs, WBEs and/or EBEs.

(ii) The agency M/WBE officer shall provide written notice of requests for such modifications to the division, [and] the city chief procurement officer, *and the director*, and shall not approve any such request for modification without the approval of the city chief procurement officer, provided that the city chief procurement officer, upon *consultation with the director and with adequate assurances of an agency's ability to administer its utilization plan in accordance with the provisions of this section*, may determine that further approval from the city chief procurement officer is not required with respect to such requests for an agency's contracts or particular categories of an agency's contracts. The city chief procurement officer, shall notify the speaker of the council in writing within seven days of the approval of a request for modification of a utilization plan, provided that where an agency has been authorized to grant modifications without approval of the chief procurement officer, such notice shall be provided to the speaker of the council by the agency. Such notification shall include, but not be limited to, the name of the contractor, the original utilization plan, the modification request, including all documentation, and an explanation for the approval of such request.

(iii) The agency M/WBE officer shall provide written notice to the contractor of its determination that shall include the reasons for such determination.

(13) For each contract in which a contracting agency has established participation goals, the agency shall evaluate and assess the contractor's performance in meeting each such goal. Such evaluation and assessment shall be a part of the contractor's overall contract performance evaluation required pursuant to section 333 of the charter.

j. Determining credit for MBE, WBE and EBE participation. (1) An agency's achievement of its annual goals shall be calculated as follows:

(i) The total dollar amount that an agency has paid or is obligated to pay to a prime contractor which is an MBE, WBE or EBE may be credited toward the relevant goal.

(ii) The total dollar amount that a prime contractor has paid or is obligated to pay to a subcontractor which is an MBE, WBE or EBE may be credited toward the relevant goal.

(iii) For requirements contracts, credit may be given for the actual dollar amount paid under the contract.

(iv) Where one or more MBEs, WBEs or EBEs is participating in a qualified joint venture, the dollar amount of the percentage of total profit to which MBEs, WBEs or EBEs are entitled pursuant to the joint venture agreement shall be credited toward the relevant goal.

(v) No credit shall be given for participation in a contract by an MBE, WBE or EBE that does not perform a commercially useful function.

(vi) No credit shall be given for the participation in a contract by any company that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

(vii) In the case of a contract for which the contractor is paid on a commission basis, the dollar amount of the contract may be determined on the basis of the commission earned or reasonably anticipated to be earned under the contract.

(viii) No credit shall be given to a contractor for participation in a contract by a graduate MBE, WBE or EBE.

(ix) The participation of a certified company shall not be credited toward more than one participation goal.

(2) A contractor's achievement of each goal established in its utilization plan shall be calculated in the same manner as described for calculating the achievement of agency utilization goals as described in paragraph (1) of this subdivision; provided that no credit shall be given to the contractor for the participation of a company that is not certified in accordance with section 1304 of the charter before the date that the agency approves the subcontractor.

k. Small purchases. (1) Each agency shall, consistent with the participation goals established in subdivision d of this section and such agency's utilization plan, establish goals for purchases valued at or below five thousand dollars which shall be made from MBEs, WBEs and/or EBEs.

(2) Whenever an agency solicits bids or proposals for small purchases pursuant to section three hundred fourteen of the charter, the agency shall maintain records identifying the MBEs, WBEs and EBEs it solicited, which shall become part of the contract file.

l. Compliance reporting. (1) The city chief procurement officer, in consultation with the division *and the director* shall prepare and submit semiannual reports to the speaker of the council as described in this section. A preliminary report containing information for the fiscal year in progress shall be submitted to the speaker of the council by April 1, 2007, and annually thereafter, and a final report containing

information for the preceding fiscal year shall be submitted to the speaker of the council by October 1, 2007 and annually thereafter. The reports, which shall also be posted on the division's website, shall contain the following information, disaggregated by agency:

(i) the number and total dollar value of contracts awarded, disaggregated by industry classification, provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

(ii) the number and total dollar value of contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification, provided that contracts for amounts under five thousand dollars need not be disaggregated by industry;

(iii) the total number and total dollar value of contracts awarded valued at less than five thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group;

(iv) the total number and total dollar value of contracts awarded valued at between five thousand and one hundred thousand dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(v) the total number and total dollar value of contracts awarded valued at between one hundred thousand dollars and one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(vi) the total number and total dollar value of contracts awarded valued at over one million dollars and the total number and total dollar value of such contracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification;

(vii) for those contracts for which an agency set participation goals in accordance with subdivision i of this section:

A. The number and total dollar amount of such contracts disaggregated by industry classification;

B. the number and total dollar value of such contracts that were awarded to qualified joint ventures and the total dollar amount attributed to the MBE, WBE or EBE joint venture partners, disaggregated by minority and gender group and industry classification;

C. The number and total dollar value of subcontracts entered into pursuant to such contracts and the number and total dollar amount of such subcontracts awarded to MBEs, WBEs and EBEs, disaggregated by minority and gender group and industry classification; and

D. a list of the full or partial waivers of target subcontracting percentages granted for such contracts pursuant to paragraph 11 of subdivision i of this section, and the number and dollar amount of those contracts for which such waivers were granted, disaggregated by industry classification;

E. a list of the requests for modification of participation requirements for such contracts made pursuant to paragraph 12 of subdivision i of this section and the determinations made with respect to such requests, and the number and dollar amount of those contracts for which such modifications were granted, disaggregated by industry classification;

(viii) a detailed list of each complaint received pursuant to paragraph 1 of subdivision o of this section which shall, at a minimum, include the nature of each complaint and the action taken in investigating and addressing such complaint including whether and in what manner the enforcement provisions of subdivision o of this section were invoked and the remedies applied;

(ix) a detailed list of all non-compliance findings made pursuant to paragraph 4 of subdivision o of this section and actions taken in response to such findings;

(x) the number of firms certified or recertified in accordance with section 1304 of the charter during the six months immediately preceding such report;

(xi) the number and percentage of contracts audited pursuant to section paragraph 10 of subdivision e of this section and a summary of the results of each audit.

(xii) a summary of efforts to reduce or eliminate barriers to competition as required pursuant to paragraph 11 of subdivision e of this section;

(xiii) A list of all solicitations submitted to the city chief procurement officer *and the director* pursuant to subparagraph vi of paragraph 2 of subdivision h of this section and a summary of the determination made regarding each such submission; and

(xiv) any other information as may be required by the commissioner.

(2) The annual reports submitted in October shall, in addition, contain a

determination made by the commissioner *and the director*, as to whether each agency has made substantial progress toward achieving its utilization goals and whether the city has made substantial progress toward achieving the citywide goals established pursuant to subdivision d of this section. The first three annual reports shall also include detailed information about steps that agencies have taken to initiate and ramp up their efforts to comply with the requirements this section.

(3) The data that provide the basis for the reports required by this subdivision shall be made available electronically to the council at the time the reports are submitted.

m. Agency compliance. (1) The agency shall submit to the commissioner, [and] the city chief procurement officer, *and the director* such information as is necessary for the city chief procurement officer to complete his or her report as required in subdivision l of this section. The commissioner, [and] the city chief procurement officer, *and the director* shall review each agency's submissions and whenever it has been determined that an agency is not making adequate progress toward the goals established in its agency utilization plan, the commissioner, [and] the city chief procurement officer, *and the director* shall act to improve such agency's performance, and may take any of the following actions:

(i) require the agency to submit more frequent reports about its procurement activity;

(ii) require the agency to notify the commissioner, [and] the city chief procurement officer, *and the director*, prior to solicitation of bids or proposals for, and/or prior to award of, contracts in any category where the agency has not made adequate progress toward achieving its utilization goals;

(iii) reduce or rescind contract processing authority delegated by the mayor pursuant to sections 317 and 318 of the charter; and

(iv) any other action *the director*, the city chief procurement officer or the commissioner deem appropriate.

(2) Noncompliance. Whenever *the director*, the city chief procurement officer or the commissioner finds that an agency has failed to comply with its duties under this section, he or she shall attempt to resolve such noncompliance informally with the agency head. In the event that the agency fails to remedy its noncompliance after such informal efforts, *the director and the city chief procurement officer* shall submit such findings in writing to the mayor and the speaker of the council, and the mayor shall take appropriate measures to ensure compliance.

(3) Failure by an agency to submit information required by the division, [or] the city chief procurement officer, *or the director*, in accordance with this section, including but not limited to the utilization plan required pursuant to subdivision g of this section, shall be deemed noncompliance.

n. Pre-qualification. An agency establishing a list of pre-qualified bidders or proposers may deny pre-qualification to prospective contractors who fail to demonstrate in their application for pre-qualification that they have complied with applicable federal, state and local requirements for participation of MBEs, WBEs and EBEs in procurements. A denial of pre-qualification may be appealed pursuant to applicable procurement policy board rules.

o. Enforcement. (1) Any person who believes that a violation of the requirements of this section, rules promulgated pursuant to its provisions, or any provision of a contract that implements this section or such rules, including, but not limited to, any contractor utilization plan, has occurred may submit a complaint in writing to the division, the city chief procurement officer, *the director*, and the comptroller. Such complaint shall be signed and dated. The division shall promptly investigate such complaint and determine whether there has been a violation.

(2) Any complaint alleging fraud, corruption or other criminal behavior on, the part of a bidder, proposer, contractor, subcontractor or supplier shall be referred to the commissioner of the department of investigation.

(3) Contract award. (i) When an agency receives a protest from a bidder or proposer regarding a contracting action that is related to this section, the agency shall send copies of the protest and any appeal thereof, and any decisions made on the protest or such appeal, to the division, *the director*, and the comptroller.

(ii) Whenever a contracting agency has determined that a bidder or proposer has violated this section, or rules promulgated pursuant to its provisions, the agency may disqualify such bidder or proposer from competing for such contract and the agency may revoke such bidder's or proposer's prequalification status.

(4) Contract administration. (i) Whenever an agency believes that a contractor or a subcontractor is not in compliance with this section, rules promulgated pursuant to its provisions or any provision of a contract that implements this section, including, but not limited to any contractor utilization plan, the agency shall send a written notice to *the director*, the city chief procurement officer, the division and the contractor describing the alleged noncompliance and offering an opportunity to be heard. The agency shall then conduct an investigation to determine whether such contractor or subcontractor is in compliance.

(ii) In the event that a contractor has been found to have violated this section, rules promulgated pursuant to its provisions, or any provision of a contract that

implements this section, including, but not limited to any contractor utilization plan, the contracting agency shall, after consulting with *the director*, the city chief procurement officer and the division, determine whether any of the following actions should be taken:

(A) enter an agreement with the contractor allowing the contractor to cure the violation;

(B) revoke the contractor's pre-qualification to bid or make proposals for future contracts;

(C) make a finding that the contractor is in default of the contract;

(D) terminate the contract;

(E) declare the contractor to be in breach of contract;

(F) withhold payment or reimbursement;

(G) determine not to renew the contract;

(H) assess actual and consequential damages;

(I) assess liquidated damages or reduction of fees, provided that liquidated damages may be based on amounts representing costs of delays in carrying out the purposes of the program established by this section, or in meeting the purposes of the contract, the costs of meeting utilization goals through additional procurements, the administrative costs of investigation and enforcement, or other factors set forth in the contract;

(J) exercise rights under the contract to procure goods, services or construction from another contractor and charge the cost of such contract to the contractor that has been found to be in noncompliance; or

(K) take any other appropriate remedy.

(5) To the extent available pursuant to rules of the procurement policy board, a contractor may seek resolution of a dispute regarding a contract related to this section. The contracting agency shall submit a copy of such submission to the division.

(6) Whenever an agency has reason to believe that an MBE, WBE or EBE is not qualified for certification, or is participating in a contract in a manner that does not serve a commercially useful function, or has violated any provision of this section, the agency shall notify the commissioner who shall determine whether the certification of such business enterprise should be revoked.

(7) Statements made in any instrument submitted to a contracting agency pursuant to these rules shall be submitted under penalty of perjury and any false or misleading statement or omission shall be grounds for the application of any applicable criminal and/or civil penalties for perjury. The making of a false or fraudulent statement by an MBE, WBE or EBE in any instrument submitted pursuant to these rules shall, in addition, be grounds for revocation of its certification.

(8) A contractor's record in implementing its contractor utilization plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a contractor utilization plan has been unsatisfactory, the agency shall, after consultation with *the director and the city chief procurement officer*, file an advice of caution form for inclusion in VENDEX as caution data.

p. Procurements by elected officials and the council. (1) In the case of procurements by independently elected city officials other than the mayor, where these rules provide for any action to be taken by *the director or the city chief procurement officer*, such action shall instead be taken by such elected officials.

(2) In the case of procurements by the council, where these rules provide for any action to be taken by *the director or the city chief procurement officer*, such action shall instead be taken by the speaker of the council.

q. Applicability. Agencies shall not be required to apply participation requirements to the following types of contracts:

(i) those subject to federal or state funding requirements which preclude the city from imposing the requirements of this subdivision;

(ii) those subject to federal or state law participation requirements for MBEs, WBEs and/or EBEs;

(iii) contracts between agencies;

(iv) procurements made through the United States general services administration or another federal agency, or through the New York state office of general services or another state agency, or any other governmental agency;

(v) emergency procurements pursuant to section three hundred fifteen of the charter;

(vi) sole source procurements pursuant to section three hundred twenty-one of the charter;

(vii) small purchases as defined pursuant to section three hundred fourteen of the charter; and

(viii) contracts awarded to not-for-profit organizations.

r. Comptroller. The comptroller shall randomly examine contracts for which contractor utilization plans are established to assess compliance with such plans. All solicitations for contracts for which contractor utilization plans are to be established shall include notice of potential comptroller examinations.

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

Referred to the Committee on Contracts.

Int. No. 608

By Council Members Williams, Cabrera, James and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to fluoridation of the municipal water supply.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§17-198 *Fluoridation of municipal water supply. a. Definitions. For purposes of this section the following terms shall have the following meanings:*

1. "Fluoridation" shall mean treatment of water by the adjustment of fluoride ion concentrations to provide the optimum fluoride concentration in water.

2. "Parts per million (ppm)" shall mean a unit of concentration expressed in parts per million (ppm) and is equivalent to milligrams per liter.

3. "Municipal water supply" shall mean all pipes, mains and structures owned and/or maintained by the city, for the conveyance of drinking water to the public for human consumption or any connection to the municipal water supply system.

b. *The municipal water supply shall be fluoridated in the following manner: A fluoride compound shall be added to the municipal water supply at an optimum concentration of about 0.7 ppm of the fluoride ion, provided, however, the concentration of such ion shall not exceed 1.0 ppm at any time.*

§2. This local law shall take effect 180 days after enactment, except that the commissioner of health shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Res. No. 873

**Resolution urging the New York City Department of Education to assist the Caribbean international teachers it recruited to attain citizenship and the United States Congress to include a discussion of the needs of international teachers recruited to work in the United States in the comprehensive immigration reform debate.**

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

**Whereas**, At the turn of the twenty-first century, New York City public schools were faced with a severe shortage of teachers; and

**Whereas**, To address this need, the New York City Department of Education (DOE) created the Caribbean Recruitment Initiative, a program of the Center for Recruitment and Professional Development of the DOE, which focused on recruiting Caribbean teachers; and

**Whereas**, To recruit the high caliber, educated teachers needed in New York City public schools, DOE promised prospective teachers from the Caribbean competitive salaries, housing assistance, education subsidies, and a pathway to permanent residency in the United States; and

**Whereas**, Of the approximately 3,340 teachers DOE recruited from around the world to teach in New York City's public schools, approximately 500 teachers are from the Caribbean (the "Caribbean teachers"); and

**Whereas**, When the Caribbean teachers arrived in the United States, DOE sponsored the Caribbean teachers through J-1 visas; and

**Whereas**, According to the U.S. Department of State, a J-1 visa is a non-immigrant visa issued to an individual who meets certain eligibility criteria and is

sponsored either by a private sector or government program; a J-1 visa is valid for one year and renewable two times; and

**Whereas**, There is an additional program called the H1-B program, which, according to the U.S. Department of Labor, is for hiring non-immigrant individuals as workers in specialty occupations; a H1-B visa is valid for three years, and renewable once for a maximum of six years; and

**Whereas**, According to *Broken Promises, The Story of Caribbean International Teachers in New York City's Public Schools*, a report by the Black Institute, (the "Report"), at the end of the validity of the Caribbean teachers' J-1 visas, DOE advised them to apply for H1-B visas; and

**Whereas**, According to the Report, many Caribbean teachers are now approaching the end of validity of their H1-B visas, are experiencing difficulty in obtaining permanent residency, and are fearful of being deported and unemployed; and

**Whereas**, The DOE is at least partially responsible for these hardships; and

**Whereas**, The Report states that the setbacks Caribbean teachers are experiencing in their quest for permanent residency include, but are not limited to: (i) DOE's classification of them as EB-3 workers, which is a designation for unskilled workers, (ii) DOE's shifting criteria for obtaining its support for permanent residency; and (iii) DOE's grant of authority to principals to decline to recommend a Caribbean teacher, a decision that that will automatically affect such teacher's immigration status in the United States; and

**Whereas**, As noted in the Report, decisions affecting an individual teacher's ability to remain in the United States may be beyond the scope of a principal's employment; and

**Whereas**, The DOE should take all possible actions to quickly resolve all pending immigration issues Caribbean teachers and their families are facing; and

**Whereas**, The Caribbean teachers uprooted their families from their native countries with the hope of sponsoring their loved ones to become citizens and permanent residents of the United States, a status that would provide them the many privileges United States citizens and residents are offered; and

**Whereas**, Many of the Caribbean teachers were recruited ten years ago and brought their children with them; because the permanent residency process has taken much longer than anticipated and only children under the age of twenty-one can be sponsored by their legal permanent resident parents for immigration benefits, many of their children have aged out of status and are deportable; and

**Whereas**, On May 10, 2011, President Barack Obama gave a speech dedicated solely to immigration, in which he reiterated his commitment to comprehensive immigration reform; and

**Whereas**, A discussion of the needs of international teachers recruited to work in the United States must be included in the comprehensive immigration reform debate; and

**Whereas**, The U.S. Congress should assist in expediting the permanent residency process for Caribbean teachers who have been enriching the lives of the City's youth for the past decade; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the New York City Department of Education to assist the Caribbean international teachers it recruited to attain citizenship and the United States Congress to include a discussion of the needs of international teachers recruited to work in the United States in the comprehensive immigration reform debate.

Referred to the Committee on Immigration.

Res. No. 874

**Resolution calling on the New York State Department of Health to remove fluoride from New York State's water supply.**

By Council Members Williams and James.

**Whereas**, According to the United States Centers for Disease Control and Prevention (CDC), fluoride is a mineral which has been commonly used to prevent and reverse tooth decay; and

**Whereas**, In New York State, it is estimated that 70 percent of the population received fluoridated water, including New York City's five boroughs which have added fluoride to the water supply since 1965; and

**Whereas**, However, recently the United States Department of Health and Human Services (HHS) proposed reducing the allowable amount of fluoride that could be added to public water systems; and

**Whereas**, The HHS is proposing that 0.7 milligrams of fluoride per liter of water be added to public water systems, which would result in a 30 percent decrease in what New York City residents were previously receiving in the water supply; and

**Whereas**, The proposal was based on a review of scientific literature which revealed that some children are exposed to too much fluoride; and

**Whereas**, Possible effects of over exposure to fluoride include dental fluorosis, a change in the appearance of the tooth's enamel, which can result in white spots on the tooth surface or in more severe cases, more extensive enamel changes including the forming of pits in the teeth; and

**Whereas**, Adults exposed to too much fluoride may also experience side effects

including an increased likelihood of bone fractures or skeletal fluorosis, a condition connected with pain and tenderness in the bones; and

**Whereas**, The Fluoride Action Network (FAN), an organization dedicated to broaden the public's awareness of fluoride, indicated that, "it is time for the U.S., and the few remaining fluoridating countries, to recognize that fluoridation is outdated, has serious risks that far outweigh any minor benefits, violates sound medical ethics and denies freedom of choice;" and

**Whereas**, Advocates in favor of removing fluoride from public drinking water argue that children and adults can be exposed to numerous negative health conditions including lower IQ scores, genetic disorders, thyroid problems, kidney disorders, arthritis and muscle pain, as well as a host of other ailments; and

**Whereas**, Supporters who seek to remove fluoride from community water supplies also argue that the research used to justify fluoridation has been overstated, while others have criticized the methodology of several of the studies; and

**Whereas**, Only through the total removal of all fluoridation from New York's public water supply can all residents be protected from possible adverse health effects; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Department of Health to remove fluoride from New York State's water supply.

Referred to the Committee on Health.

Res. No. 875

**Resolution in support of S.3573/A.5866, which would amend the Penal Law to ban all large capacity ammunition feeding devices regardless of date of manufacture.**

By Council Members Williams, Cabrera, Gentile, James, Koppell, Recchia, Rose and Seabrook.

**Whereas**, There are some gun magazines capable of holding more than 10 rounds of ammunition; and

**Whereas**, Such firepower allows an individual to kill and injure many people within seconds without needing to reload the gun; and

**Whereas**, The recent mass shooting in Tucson, Arizona, where Jared Lee Loughner used a Glock 19 semi-automatic handgun equipped with a large-capacity ammunition magazine to shoot many innocent individuals, highlights just how much harm these large magazines can cause; and

**Whereas**, In 1994, long before the Arizona shooting took place, New York State lawmakers banned large capacity ammunition feeding devices, a definition that includes gun magazines capable of holding more than 10 rounds of ammunition; and

**Whereas**, The law applies only to large capacity ammunition feeding devices manufactured after September 13, 1994; and

**Whereas**, The New York State Legislature, however, failed to address the fact that individuals can still legally purchase gun magazines manufactured prior to September 13, 1994; and

**Whereas**, Senator Eric Adams recently visited two gun stores in upstate New York and was able to purchase two 30-round magazines for an assault rifle at one of the stores; and

**Whereas**, Both stores claimed that they were permitted to sell the gun magazines because the magazines were manufactured prior to September 13, 1994; and

**Whereas**, , It is difficult to enforce the current law because often there is no way to determine when a magazine was made; and

**Whereas**, New York needs to strengthen its gun violence prevention laws by, among other things, banning all large capacity ammunition feeding devices regardless of their date of manufacture; and

**Whereas**, , Senator Eric Adams and Assemblymember Hakeem Jeffries introduced S.3573 and A.5866, respectively, which would amend the Penal Law by banning all large capacity ammunition feeding devices regardless of date of manufacture; and

**Whereas**, New York State needs to close the existing loophole in order to protect communities from individuals using guns with large capacity ammunition feeding devices; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.3573/A.5866, which would amend the Penal Law to ban all large capacity ammunition feeding devices regardless of date of manufacture.

Referred to the Committee on Public Safety.

L.U. No. 409

By Council Member Recchia:

**Hudson House, 3247 Johnson Avenue, Block 5787, Lot 169, Bronx, Council District No. 11**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 410

By Council Member Recchia:

**Los Sures, Block 2419, Lots 7 and 9, Brooklyn, Council District No. 34**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 411

By Council Member Recchia:

**Phipps Housing, 315-331 East 29<sup>th</sup> Street, Block 935, Lot 13, Manhattan, Council District No. 2**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 412

By Council Member Recchia:

**530 West 45th Street and 510 West 45th Street, Block 1073, Part of Lot 1 (tentative Lots 12 and 20), Manhattan, Council District No. 3**

Adopted by the Council (preconsidered and approved by the Committee on Finance.)

L.U. No. 413

By Council Member Comrie:

**Application no. C 090347 ZMQ submitted by J & H Management Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c, establishing within an existing R3-2 District a C1-2 District, Council District 24.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 414

By Council Member Comrie:

**Application no. 20115455 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 114 Kenmare Associates LLC d.b.a La Esquina to continue to maintain and operate an unenclosed sidewalk café located at 114 Kenmare Street, Borough of Manhattan, Council District no.1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 415

By Council Member Comrie:



**Application no. 2010551 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of BMT Operations LLC d.b.a .Betel to modify, maintain and operate an unenclosed sidewalk café located at 49 Grove 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. 416

By Council Member Comrie:

**Application no. 20115581 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Da Silvano Corp. d.b.a Da Silvano to continue to maintain and operate an unenclosed sidewalk café located at 260 Sixth Avenue, 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. 417

By Council Member Comrie:

**Application no. C 070210 ZMQ submitted by Mark E. Solow pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, changing from M1-1 District to an R6 District and establishing within the proposed R6 District a C2-2 District, Council District 20.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 418

By Council Member Comrie:

**Application no. C 080482 ZMR submitted by Ottavio Savo and Leonello Savo & Woodrow Plaza, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33a, by establishing within an existing R3X District a C2-2 District, Council District 51.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 419

By Council Member Comrie:

**Application no. N 080483 ZRR submitted by Ottavio Savo and Leonello Savo & Woodrow Plaza, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of designated open space boundaries in Community District 3, Borough of Staten Island, Council District 51.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 420

By Council Member Comrie:

**Application no. C 100342 ZMQ submitted by Jamaica Associates Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19a, by establishing within an existing R3-2 District a C1-3 District, Council District 27.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 421

By Council Member Comrie:

**Application no. C 110207 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. 9b and 9d , Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 422

By Council Member Comrie:

**Application no. N 110208 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, concerning Appendix F (Inclusionary Housing Designated Areas), relating to the extension of the Inclusionary Housing Program to proposed R7X and C4-5X districts in Community District 2, Borough of Queens Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 423

By Council Member Comrie:

**Application no. N 110209 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, concerning Article 1, Chapter 4 (Sidewalk Café Regulations), relating to the types of sidewalk cafés permitted along portions of Skillman Avenue and Queens Boulevard located in Community District 2, Borough of Queens Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 424

By Council Member Comrie:

**Application no. 20115538 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Feta And Capers LLC d.b.a Café Gitane to establish, maintain and operate an unenclosed sidewalk café located at 113 Jane 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.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Due To The Upcoming Adjournment of the State Legislature and our Pending Adoption of the FY'12 Budget, Meetings of the Finance and State and Federal Legislation Committees and the Stated Meeting Of The Council Are Recessed Subject To Call We Will Keep You Advised Accordingly**

Wednesday, June 15, 2011

★ *Deferred*

Committee on **GENERAL WELFARE**.....10:00 A.M.  
**Oversight** — Barriers that Youth and Young Adults Face In Accessing Public Assistance  
 Committee Room — 250 Broadway, 14<sup>th</sup> Floor ..... Annabel Palma, Chairperson

★ *Deferred*

Committee on **PUBLIC SAFETY**.....10:00 A.M.  
 Agenda to be announced  
 Committee Room — 250 Broadway, 16<sup>th</sup> Floor ..... Peter Vallone Jr., Chairperson

★ *Note Location Change*

Committee on **ECONOMIC DEVELOPMENT**.....10:00 A.M.  
**Oversight** - Reviewing the Status of \$100 million in capital projects allocated for airport communities in Queens.  
 ★Committee Room— 250 Broadway, 16<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

★ *Topic Addition*

Committee on **SMALL BUSINESS** .....1:00 P.M.  
**Oversight** – Small Business Incubators in New York City  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Diana Reyna, Chairperson

★ *Deferred*

Committee on **HEALTH**.....1:00 P.M.  
 Agenda to be announced  
 Committee Room — 250 Broadway, 14<sup>th</sup> Floor ..... Maria del Carmen Arroyo, Chairperson

Thursday, June 16, 2011

★ *Topic Addition*

Committee on **LOWER MANHATTAN REDEVELOPMENT** .....10:00 A.M.  
**Oversight** - Update on the Status of the 9/11 Memorial and Museum at the World Trade Center Site  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Margaret Chin, Chairperson

Committee on **PUBLIC SAFETY** .....10:00 A.M.

**Tour:** Lower Manhattan Security Initiative  
**Location:**55 Broadway  
 New York, NY  
 Details Attached.....Peter Vallone Jr., Chairperson

Committee on **GOVERNMENTAL OPERATIONS** .....10:00 A.M.

**Preconsidered Int.** \_\_ - By Council Member Dickens – **A Local Law** to amend the New York city charter, in relation to establishing reporting requirements regarding the production, processing, distribution and consumption of food in the city.  
**Proposed Int 248-A** - By Council Members Fidler, Brewer, Chin, Gentile, Koppell, Lander, Mark-Viverito, Nelson, Sanders Jr., Vann, Williams, Rodriguez, Halloran and Koo – **A Local Law** to amend the New York city charter, in relation to establishing reporting requirements for the department of citywide administrative services on the status of city-owned real property.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

★ *Deferred*

Committee on **Transportation**.....10:00 a.m.  
 Agenda to be announced  
 Hearing Room — 250 Broadway, 16<sup>th</sup> Floor James Vacca, Chairperson

★ *Committee and Topic Addition*

Committee on **JUVENILE JUSTICE** jointly with the  
 Committee on **YOUTH SERVICES** .....1:00 P.M.  
**Oversight** - Examining the Link Between Runaway and Homeless Youth and the Juvenile Justice System  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Sara M. Gonzalez, Chairperson  
 Lewis A. Fidler, Chairperson

★ *Deferred*

Committee on **CIVIL RIGHTS**.....1:00 P.M.  
 Agenda to be announced  
 Committee Room — 250 Broadway, 14<sup>th</sup> Floor ..... Deborah Rose, Chairperson

Friday, June 17, 2011

★ *Deferred*

Committee on **IMMIGRATION**.....1:00 P.M.  
 Agenda to be announced  
 Committee Room — 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

Monday, June 20, 2011

★ *Topic Addition*

Committee on **TECHNOLOGY**.....10:00 A.M.  
**Oversight** - Reviewing the Road Map for the Digital City  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Fernando Cabrera, Chairperson

★ *Topic Addition*

Committee on **PARKS AND RECREATION**..... 1:00 P.M.  
**Int. 590** - By Council Members Arroyo, Barron, Chin, Dickens, Dromm, Eugene, Ferreras, Fidler, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Nelson, Oddo, Recchia, Jr., Rodriguez, Rose, Sanders, Ulrich, Vallone, Jr., Van Bramer, Vann and Wills – **A Local Law** In relation to the naming of 54 thoroughfares and public places, Police Officer Kenneth Mahon Place, Borough of the Bronx, Richard Akbar Salahuddin Drive, Borough of Brooklyn, Harry Wieder Way, Borough of Manhattan, University Settlement, Borough of Manhattan, Jack Johnson Plaza, Borough of Manhattan, Ramona Jennett Way, Borough of Manhattan, Richard Cecere Corner, Borough of Queens, 35T<sub>1</sub>H<sub>4</sub> A<sub>1</sub>V<sub>4</sub>E<sub>1</sub>N<sub>1</sub>U<sub>1</sub>E<sub>1</sub>, Borough of Queens, Lawrence P. Dorsey Way, Borough of Brooklyn, Pietro Cesare Alberti Way, Borough of Queens, SFC Luis M. Gonzalez Street, Borough of Queens, Police Officer Vito S. Mauro – 9/11 Memorial Way, Borough of Brooklyn, Dr. Giacomo J. Buscaino Place, Borough of Brooklyn, Andrew DiOrio Boulevard, Borough of Brooklyn, Red Hook Heroes Run, Borough of Brooklyn, Abe Kanter Way, Borough of Brooklyn, Rabbi Zvi Florence Way, Borough of Brooklyn, George J. Regan Street, Borough of Queens, Dominick Berardi Way, Borough of Queens, Crossing Guard Susan Healy Way, Borough of Staten Island, Dorothy Maynor Place, Borough of Manhattan, Ricardo A. Perez Place, Borough of Manhattan, Macedonia A.M.E. Church Way, Borough of Queens, Dr. Theodore Kazimiroff Way, Borough of the Bronx, Geraldine Ferraro Way, Borough of Queens, Citizens of Mola di Bari Way, Borough of Brooklyn, LCpl. Julian T. Brennan, USMC Way, Borough of Brooklyn, Willie McDonald Way, Borough of Brooklyn, Blessed John Paul II Square, Borough of Brooklyn, Naiesha (Nana) Pearson Place, Borough of Manhattan, Young Lords Way, Borough of Manhattan, Odessa Steward Street, Borough of Manhattan, Philip Reed Way, Borough of Manhattan, Museum Mile, Borough of Manhattan, Detective Omar J. Edwards Way, Borough of Manhattan, Ellen Stewart Way, Borough of Manhattan, Fran Kaplan Way, Borough of Brooklyn, Stephen J. Solarz Way, Borough of Brooklyn, Amanda Sue Forsyth Gift of Life Way, Borough of Staten Island, Deborah L. Macula Way, Borough of Staten Island, Mother Franciska Way, Borough of Staten Island, Anthony Neglia Way, Borough of Brooklyn, Zachary Sansone Way, Borough of Brooklyn, Dr. Betty Shabazz Way, Borough of Manhattan, Daniel P. Rieu Way, Borough of Staten Island, D.A. Bill Murphy Way, Borough of Staten Island, Lizzie Ruth Brown Way, Borough of Queens, Jack King Way, Borough of Queens, Ann Buehler Way, Borough of Queens, Winged Fist Way, Borough of Queens, Moses P. Cobb Way, Borough of Brooklyn, Charles C. Pinn Way, Borough of Brooklyn, Thomas White, Jr. Blvd., Borough of Queens, Henry Grate Sr. Place, Borough of Queens and the repeal of sections 3, 14, 18, 21, 27, 29, 31 and 36 of local law number 3 for the year 2011, the repeal of section 2 of local law number 18 for the year 2011. Committee Room – 250 Broadway, 14<sup>th</sup> ..... Melissa Mark-Viverito, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** .....1:00 P.M.

**Int. 534** - By Council Members Gennaro, Barron, Brewer, Cabrera, Fidler, James, Koppell, Koslowitz, Lander, Palma, Seabrook, Van Bramer, Vann, Williams, Mark-Viverito and Koo - **A Local Law** to amend the administrative code of the city of New York in relation to requiring the department of environmental protection to undertake an assessment of the electricity generation capability of the City's water supply, wastewater treatment and bodies of water within the City's jurisdiction  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Gennaro, Chairperson

Tuesday, June 21, 2011

Subcommittee on ZONING & FRANCHISES .....9:30 A.M.
See Land Use Calendar Available Thursday, June 16, 2011
Committee Room – 250 Broadway, 16th Floor
..... Mark Weprin, Chairperson

★ Topic Addition

Committee on Cultural AFFAIRS, LIBRARIES &
INTERNATIONAL INTERGROUP RELATIONS.....10:00 A.M.
★Oversight - The Power of Art for LGBTQ Youth in New York City
Committee Room – 250 Broadway, 14th Floor
..... James Van Bramer, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING &
MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Thursday, June 16, 2011
Committee Room– 250 Broadway, 16th Floor ..... Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS &
CONCESSIONS..... 1:00 P.M.
See Land Use Calendar Available Thursday, June 16, 2011
Committee Room – 250 Broadway, 16th Floor ..... Stephen Levin, Chairperson

★ Topic Additions

Committee on HOUSING AND BUILDINGS..... 1:00 P.M.
Int. 575 - By Council Members Garodnick, Chin, Dromm, Fidler, Foster, James,
Koppell, Lander, Mark-Viverito, Mendez, Palma, Rose, Williams and Koo - A
Local Law to amend the New York city building code, in relation to requiring newly
constructed multi-family residences to provide adequate space to store and sort
designated recyclable material.

★Int. 576 - By Council Members Gennaro, Comrie, Fidler, James, Palma and
Williams - A Local Law to amend the New York city building code, in relation to
the regulation of concrete washout water.

Int. 577 - By Council Members Gennaro, Fidler, James, Koppell, Palma, Rose and
Williams - A Local Law to amend the administrative code of the city of New York
and the New York city building code, in relation to maximum cement content.

Int. 578 - By Council Members Gennaro, Fidler, James, Koppell, Palma and
Williams - A Local Law to amend the administrative code of the city of New York
and the New York city building code, in relation to the use of recycled asphalt.

★Int. 585 - By Council Members Recchia, Fidler, Gentile, Koslowitz, Rose and
Williams - A Local Law to amend the administrative code of the city of New York,
in relation to establishing limits on the emissions of volatile organic compounds.

Int. 592 - By Council Member Chin – A Local Law to amend the New York city
mechanical code, in relation to filtering soot from incoming air in buildings.

Int. 593 - By Council Member Dilan – A Local Law to amend the New York city
building code, in relation to the requirements for concrete exposed to de-icing
materials.

Int. 603 - By Council Member Weprin – A Local Law to amend the administrative
code of the city of New York and the New York city building code, in relation to the
use of recycled aggregate in concrete

Hearing Room – 250 Broadway, 16th Floor..... Erik Martin-Dilan, Chairperson

★ Committee and Topic Addition

Committee on CONSUMER AFFAIRS jointly with the
Committee on IMMIGRATION ..... 1:00 P.M.
Oversight - Employment Agencies in New York City: Are they getting the job
done for Immigrant New Yorkers?
Committee Room – 250 Broadway, 14th Floor
..... Daniel Garodnick, Chairperson
..... Daniel Dromm, Chairperson

Wednesday, June 22, 2011

★ Topic Additions

Committee on TRANSPORTATION... .....10:00 A.M.
Proposed Int. No. 44-A - By Council Members Lappin, Lander, James, Rodriguez
and Nelson - A Local Law to amend the administrative code of the city of New
York, in relation to creating one day temporary parking permits.

Proposed Int. 231-A - By Council Members Vacca, Brewer, Dromm, Fidler,
Foster, Gentile, Koppell, Koslowitz, Mendez, Nelson, Sanders Jr., 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.

Int. 301 - By Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm,
Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van
Bramer, Williams, Foster, Lappin, Vacca, Reyna, Cabrera, Halloran, Koo and Ulrich
- A Local Law to amend the administrative code of the city of New York, in relation

to requiring the Department of Finance to dismiss parking violations issued for the
failure to display a muni-meter receipt if the driver provides a valid receipt from the
time the ticket was issued.

Proposed Int. 372-A - By Council Members Levin, Cabrera, Comrie, Gentile,
Jackson, James, Koslowitz, Nelson, Palma, Williams, Lander, Seabrook, Greenfield,
Mark-Viverito, Rodriguez, Chin, Vallone, Crowley, Mendez, Eugene and Halloran -
A Local Law to amend the administrative code of the city of New York, in relation
to the suspension of alternate side of the street parking rules on blocks adjacent to
filming.

Int. 465 - By Council Members Garodnick, Chin, Brewer, Cabrera, Dromm, Fidler,
Greenfield, James, Lander, Mendez, Williams, Foster, Rodriguez, Gennaro, Comrie,
Jackson, Van Bramer, Levin, Nelson, Koppell, Vallone, Wills, Rose, Koo and
Ulrich - A Local Law to amend the New York city charter, in relation to requiring
parking placards to have a barcode which would allow traffic enforcement agents to
confirm their validity.

Preconsidered Int. \_\_\_ - By Council Member Rivera - A Local Law to amend the
administrative code of the city of New York, in relation to allowing for an electronic
signature for persons who contest a parking ticket online.

Preconsidered Int. \_\_\_ - By Council Member Sanders - A Local Law to amend the
administrative code of the city of New York, in relation to late fees at the parking
violations bureau.

Committee Room – 250 Broadway, 14th Floor ..... James Vacca, Chairperson

★ Addition

Committee on HEALTH.....10:00 A.M.
Oversight - The New York City Health and Hospitals Corporation’s Decision to
Privatize Brooklyn Central Laundry Services
Committee Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

Committee on COMMUNITY DEVELOPMENT ..... 1:00 P.M.
Oversight - Youth Employment Training – How successful is the Center for
Economic Opportunity’s Young Adult Internship Program (YAIP) as an effective
City-wide model to significantly reduce long term economic hardship for low-
income young adults?
Committee Room – 250 Broadway, 14th Floor ..... Albert Vann, Chairperson

Committee on GENERAL WELFARE... ..... 1:00 P.M.
Oversight - Barriers that Youth and Young Adults Face In Accessing Public
Assistance
Committee Room – 250 Broadway, 16th Floor
..... Annabel Palma, Chairperson

Thursday, June 23, 2011

Committee on VETERANS .....10:00 A.M.
Int. 480 - By Council Members Gentile, Eugene, Barron, Dromm, Fidler, Gonzalez,
Jackson, James, Koppell, Mark-Viverito, Mendez, Recchia, Rose, Sanders Jr.,
Seabrook, Van Bramer, Vann, Williams and Halloran - A Local Law to amend the
New York city charter, in relation to the mayor’s office of veterans’ affairs and the
establishment of veteran liaisons.
Hearing Room – 250 Broadway, 16th Floor ..... Mathieu Eugene, Chairperson

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

★ Topic Addition

Committee on YOUTH SERVICES .....10:00 A.M.
Oversight - Addressing the Needs of New York City’s Latino Disconnected Youth.
Committee Room – 250 Broadway, 14th Floor Lewis A. Fidler, Chairperson

★ Deferred

Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Elizabeth Crowley, Chairperson

Committee on MENTAL HEALTH, MENTAL RETARDATION,
ALCOHOLISM, DRUG ABUSE AND
DISABILITY SERVICES..... 1:00 P.M.
Agenda to be announced
Committee Room– 250 Broadway, 14th Floor ..... Oliver G. Koppell, Chairperson

Friday, June 24, 2011

★ *Deffered*

Committee on WATERFRONTS.....1:00 P.M.  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Michael Nelson, Chairperson

Monday, June 27, 2011

★ *Topic Addition*

Committee on GOVERNMENTAL OPERATIONS .....10:00 A.M.  
**Oversight** - Recommendations of the Mayor’s Committee on Consolidation of Administrative Tribunals and Executive Order No. 148  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor Gale Brewer, Chairperson

★ *Topic Addition*

Committee on CIVIL RIGHTS.....10:00 A.M.  
**Preconsidered Int.** \_\_\_ - By Council Member Weprin - **A Local Law** to amend the administrative code of the city of New York, in relation to unlawful discriminatory practices.  
**Preconsidered Int.** \_\_\_ - By Council Member Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to the definition of employer for purposes of the human rights law.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Deborah Rose, Chairperson

★ *Topic Addition*

Committee on CONTRACTS..... 1:00 P.M.  
**Preconsidered Int.** \_\_\_ - By Council Member Mealy - A Local Law to amend the charter of the city of New York, in relation to the procedure governing agency service contracts.  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor Darlene Mealy, Chairperson

★ *Topic and Committee Addition*

Committee on WOMEN’S ISSUES jointly with the  
 Committee on GENERAL WELFARE..... 1:00 P.M.  
**Oversight** - Combatting Sexual Exploitation in NYC: Examining Available Social Services  
 Committee Room– 250 Broadway, 14<sup>th</sup> Floor Julissa Ferreras, Chairperson  
 Annabel Palma, Chairperson

Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M.  
**Proposed Int. 278-A** - By Council Members Ulrich, Oddo, Cabrera, Comrie, Ferreras, James, Lander, Reyna, Van Bramer, Williams, Koslowitz, Halloran and Koo - **A Local Law** to amend the administrative code of the city of New York, in relation to the noise control code.  
**Oversight** – Residential Noise  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor James Gennaro, Chairperson

Wednesday, June 29, 2011

*Stated Council Meeting*..... *Ceremonial Tributes – 1:00 p.m.*  
 .....*Agenda – 1:30 p.m.*  
*Location*..... ~ *Emigrant Savings Bank ~ 49-51 Chambers Street*.....

Thursday, June 30, 2011

Committee on SANITATION AND SOLID WASTE MANAGEMENT..... 1:00 P.M.  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Letitia James, Chairperson

Committee on CIVIL SERVICE AND LABOR..... 1:00 P.M.  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Sanders, Chairperson

★ *Addition*

Committee on WATERFRONTS..... 1:00 P.M.  
 Agenda to be announced  
 Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Michael Nelson, Chairperson

MEMORANDUM

May 31, 2011

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON PUBLIC SAFETY

Please be advised that only Members of the Public Safety Committee are invited to attend a tour to:

Lower Manhattan Security Initiative  
 55 Broadway  
 New York, NY

The tour will be on **Thursday, June 16, 2011 beginning at 10:00 a.m.**

Please contact Oona Peterson at 212-788 - 9071 with any questions.

Hon. Peter Vallone Jr., Chairperson  
 Committee on Public Safety  
 Council

Hon. Christine C. Quinn  
 Speaker of the  
 Council

At the request of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) declared the Meeting in recess.

THE COUNCIL

*Minutes of the  
 RECESSED MEETING*

*of*  
 Tuesday, June 14, 2011, 1:45 p.m.

*held on*  
 Wednesday, June 15, 2011

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

Council Members

Christine C. Quinn, Speaker

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

Excused on June 15, 2011: Council Members Foster, Mealy, Nelson and Palma.

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 47 Council Members present at this Recessed Meeting of June 14, 2011 held on June 15, 2011 in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

During this Recessed Meeting held on June 15, 2011, Council Members Brewer and Gennaro chose to cast affirmative votes for the items coupled on the Land Use Call-up and General Order Calendars of the Stated Council Meeting of June 14, 2011 (please see Editor's Note re revised attendance and voting below\*).

*\* Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 14, 2011 and the Recessed Council Meetings held on June 15, 2011 and June 28, 2011: The Stated Meeting of June 14, 2011 was opened and subsequently recessed on June 14, 2011, re-opened and recessed again on June 15, 2011, and re-opened once more before being finally adjourned after a brief procedural meeting held on June 28, 2011. The Recessed Meetings held respectively on June 15, 2011 and June 28, 2011 are therefore, considered the continuation and conclusion of the Stated Meeting that originally opened on June 14, 2011. These three proceedings together constitute and are known collectively as the Stated Council Meeting of June 14, 2011. Though not present on June 14, 2011, Council Members Brewer and Gennaro were present at this Recessed Meeting held on June 15, 2011 and are, therefore, considered present for attendance and voting purposes for the Stated Meeting of June 14, 2011. Council Members Brewer and Gennaro chose to cast affirmative votes on June 15, 2011 for the items presented for a vote at the Stated Meeting held on June 14, 2011 (for revised vote, please see the LU-Call-up and General Order Calendar votes printed in these Minutes of the Stated Meeting of June 14, 2011).*

## SUPPLEMENTAL REPORTS OF THE STANDING COMMITTEES

### Supplemental Reports of the Committee on State and Federal Legislation

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

Report for State Legislation Res. No. 11

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Krueger, S.419-C, "AN ACT to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 15, 2011, respectfully

#### REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.

#### BACKGROUND:

Section 10-157 of the Administrative Code applies to bicycles used for commercial purposes. Currently, it requires that identification be provided by the businesses utilizing the services of delivery cyclists for both the bicycle and the rider. According to the Memorandum in Support (MIS), this section of the law has

not been readily enforced. This bill proposes that any violation will be brought before the environmental control board for ease of prosecution as opposed to criminal court currently the court of jurisdiction. Additionally, it would create a vicarious liability on the part of the businesses utilizing the services of the cyclists for the act of such cyclists.

According to the MIS, making businesses liable for the actions of cyclists used for delivery of their product, will promote an interest for the business to only associate with commercial cyclists who adhere to the requirements currently in place in the Administrative Code.

#### PROPOSED LEGISLATION:

The bill amends Section 10-157 of the Administrative Code to facilitate enforcement by authorities of the laws and rules regulating the safety and identification of commercial cyclists. The definition of a business using a bicycle for commercial purposes is expanded to include all commercial cyclists who provide a delivery service for a business, not limiting it to those who are actually employed by the establishment. Additionally, the section would be amended to provide that all individuals who violate the requirements to be held liable for a civil penalty and provides that such proceeding take place before the environmental control board. This penalty of not less than \$100.00 nor more than \$250.00 would be in addition to the criminal penalty. The section would be further amended to hold businesses vicariously liable for the actions of cyclists. This amendment clarifies that this section shall not apply to those businesses which hire a messenger service.

#### FISCAL IMPLICATIONS:

See Finance Division Fiscal Impact Statement.

#### EFFECTIVE DATE:

The first November of the next succeeding date on which it shall become law.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 11, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 15, 2011.

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

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

Report for State Legislation Res. No. 12

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Huntley, S.3069, and Assembly Member Wright, A.502, AN ACT to amend the administrative code of the city of New York, in relation to the regulation of commercial bicyclists".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 15, 2011, respectfully

#### REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.

#### BACKGROUND:

According to the Sponsor's Memorandum in Support (MIS), the number of bicycle messengers has increased dramatically in the past few years. In accordance

to the Sponsor of this bill many of these bicyclists operate in a careless manner, threatening the safety of both pedestrians and drivers.

**PROPOSED LEGISLATION:**

The proposed legislation seeks to amend Section 10-157 of the administrative Code of the City of New York. The law currently requires that bicycles used for commercial purposes, provide identification of the business by requiring every bicycle or bicycle operator to be identified by: affixing to the rear of each bicycle, bicycle seat or both sides of the delivery basket, a sign with the name of the business and a three digit identification number which identifies the bicycle operator. The proposed legislation seeks to include that any bicycle utilized for commercial purposes shall be registered with the local police precinct. In addition the legislation renames the provisions allowing the identification to be affixed to the bicycle seat or the delivery basket. The proposed legislation also seeks to amend Section 10-157 to require every commercial bicycle operator, while engaged in bicycle operation, shall wear a helmet meeting the standards of the American National Standards Institute or the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling. The proposed legislation further states that wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.

**FISCAL IMPLICATIONS:**

See Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

This legislation would take effect on the first of January next succeeding the date on which it shall have become law.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 12, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 15, 2011.

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

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

Report for State Legislation Res. No. 13

**Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, "AN ACT to authorize the city of New York to discontinue use of and convey certain park land".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 15, 2011, respectfully

**REPORTS:**

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.

**BACKGROUND**

This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery. St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the city of New York in order to replace the park land

acquired and ensure that the western Queens community does not lose valuable green space.

**PROPOSED LEGISLATION**

This legislation would authorize the City of New York to discontinue use as park land and to convey, in fee simple, the described parcel of land to Saint Michael's Cemetery upon such terms and conditions as the City Council determines are reasonable. It would provide that the authorization be subject to the requirement that the city of New York use any proceeds and/or land received in exchange for the conveyance to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed. The bill also describes the boundaries of the land authorized to be discontinued as park land and conveyed to St. Michael's Cemetery.

**FISCAL IMPLICATIONS:**

See Finance Fiscal Impact Statement

**EFFECTIVE DATE:**

This Act shall take effect immediately.

Accordingly, this Committee recommends its adoption.

**(For text of SLR No. 13, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 15, 2011.

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

**GENERAL ORDER CALENDAR**

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

- |      |           |  |
|------|-----------|--|
| (35) | SLR 11 -- | S.419-C, In relation to the use of bicycles for commercial purposes. <b>(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)</b>                      |
| (36) | SLR 12 -- | S.3069, A.502, In relation to the regulation of commercial bicyclists. <b>(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)</b>                    |
| (37) | SLR 13 -- | S.2513, A.4874, The city of New York to discontinue use of and convey certain park land". <b>(Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage)</b> |

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, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

The Supplemental General Order vote recorded for this Recessed Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative item:

The following was the vote recorded for **SLR No. 11**:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **42**.

**Negative** – Halloran, Ignizio, Koo, Ulrich and Oddo – **5**.

#### SUPPLEMENTAL INTRODUCTION AND READING OF BILLS

Res. No. 893

**Resolution calling on the United States Army to permanently discontinue the practice of shooting and experimenting on living pigs for the purpose of training soldiers how to treat critical gunshot wounds.**

By Council Members Dromm, Brewer, Chin, Koslowitz, Lander, Mendez and Williams.

**Whereas**, The United States Army has engaged in a plan to shoot live pigs and treat their gunshot wounds in medical drills for soldiers; and

**Whereas**, This plan was recently employed by the 3<sup>rd</sup> Infantry Brigade Combat Team, 25<sup>th</sup> Infantry Division, at Schofield Barracks in Hawaii; and

**Whereas**, It is reported that this activity is very difficult and traumatic for some soldiers who are reminded of their own pets; and

**Whereas**, The practice of shooting live pigs for training purposes is unnecessary and barbaric; and

**Whereas**, This practice is cruel to the animals and unwarranted in light of current technological developments; and

**Whereas**, There are far better techniques for training soldiers to treat gunshot wounds, including highly advanced mannequin simulations with synthetic organs and tissue; and

**Whereas**, A generous donation was specifically given to the Schofield Barracks to further develop the medical mannequin technique; and

**Whereas**, The medical community, including the American Medical Student Association, the Accreditation Council for Graduate Medical Education, and Dr. John Pawlowski of Harvard Medical School, is strongly opposed to this activity; and

**Whereas**, Other nations, like the Netherlands and the United Kingdom, have actually banned the practice of animal surgery for human surgical training purposes in medical schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Army to permanently discontinue the practice of shooting and experimenting on living pigs for the purpose of training soldiers how to treat critical gunshot wounds.

Referred to the Committee on Health.

Res. No. 894

**Resolution calling on the New York State Legislature to support and pass legislation that would make it unlawful to force feed a bird, by hand or machine, for the purpose of the fatty enlargement of the bird's liver.**

By Council Members Dromm, Brewer, Chin, Lander, Mendez and Williams.

**Whereas**, The delicacy known as "foie gras," from the French for "fatty liver," is made from the livers of force-fed ducks and geese in order to be served as pâté, sausages, and purées; and

**Whereas**, In order to produce foie gras, ducks and geese are force-fed so that their livers are enlarged to five to twelve times their normal size, a process in which a thick metal pipe is pushed down a bird's throat several times a day and a large amount of food, often partially cooked corn, is released into its stomach; and

**Whereas**, During this process, compressed air is forced through the pipe to ensure the bird is fed an excessive amount; and

**Whereas**, This process generally entails three to four weeks of daily feedings until the animal is slaughtered; and

**Whereas**, This process causes the birds tremendous suffering, including ruptured organs and health problems like hepatic lipidosis (a painful liver disease

which, when suffered by humans, requires draining of accumulated fluid from the abdomen), pneumonia (a lung disease caused by food entering the birds' lungs during force feeding), asphyxiation (suffocation caused when feeders accidentally push food into the birds' windpipes), and bone fractures (due to the lack of basic nutrients including calcium in the birds' force-fed diets); and

**Whereas**, Various companies, including the San Francisco Hilton, Chicago's Pump Room, New York's Loewe's hotel chain, Air Canada, American Airlines, the Scandinavian airline SAS, and the Park Slope Food Co-op have stopped selling foie gras; and

**Whereas**, The State of California passed a bill banning the force feeding of ducks and geese to produce foie gras and the production of foie gras is banned in Denmark, Poland, Norway, Sweden, Finland, Switzerland, Austria, the Czech Republic, Australia, and Israel; and

**Whereas**, It is estimated that a New York law prohibiting force-feeding would diminish production of foie gras by as much as fifty percent in the United States; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to support and pass legislation that would make it unlawful to force feed a bird, by hand or machine, for the purpose of the fatty enlargement of the bird's liver.

Referred to the Committee on Health.

Res. No. 895

**Resolution calling on the United States Congress to pass and the President to sign H.R.1397/S.811, the Employment Non-Discrimination Act, which would prohibit employment discrimination on the basis of actual or perceived sexual orientation and gender identity.**

By Council Members Dromm, Brewer, Chin, Jackson, Koslowitz, Lander, Mendez and Williams.

**Whereas**, According to the United States Equal Employment Opportunity Commission (EEOC), current federal law prohibits employers of 15 or more employees from engaging in workplace discrimination on the basis of "race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information"; and

**Whereas**, Conspicuously absent from this list of protected classes is the lesbian, gay, bisexual and transgender (LGBT) community; and

**Whereas**, Twenty-nine states permit workplace discrimination on the basis of sexual orientation, and thirty-eight permit workplace discrimination on the basis of gender identity; and

**Whereas**, The business community - or at least a certain portion of it - appears to see the value of enacting workplace protections for members of the LGBT population; according to Fortune Magazine, 89 percent of Fortune 500 companies prohibit workplace discrimination on the basis of sexual orientation, and 43 percent prohibit workplace discrimination on the basis of gender identity; and

**Whereas**, Despite the progressive laws of some states and the progressive policies of some corporations, LGBT individuals throughout the United States are still denied employment, harassed in the workplace and even fired simply because of their sexual orientation or gender expression; and

**Whereas**, If passed, H.R.1397/S.811, introduced by Representative Barney Frank (D-MA) and Senator Jeff Merkley (D-OR), would address the issue of discrimination against LGBT individuals in the workforce; and

**Whereas**, Also known as the Employment Non-Discrimination Act (ENDA), H.R.1397/S.811 would specifically prohibit "employment discrimination on the basis of actual or perceived sexual orientation or gender identity... by employers, employment agencies, labor organizations, or joint labor-management committees"; and

**Whereas**, Though ENDA would not allow employees to make disparate impact claims, it would allow them to make claims of disparate treatment, and would prohibit preferential treatment or quotas as well as any retaliatory actions in the event that a claim is made; and

**Whereas**, ENDA would not apply to religious organizations, the military, or businesses with fewer than 15 employees, and it would not require an employer to provide employee benefits to any couples not considered married as defined by the Defense of Marriage Act; and

**Whereas**, In a nation whose independence was premised on the notion that all her citizens are created equal, it is unconscionable that a specific population does not enjoy the same workplace protections as its peers simply because of the sexual orientation or gender identity of its members; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R.1397/S.811, the Employment Non-Discrimination Act, which would prohibit employment discrimination on the basis of actual or perceived sexual orientation and gender identity.

Referred to the Committee on Civil Rights.

State Legislation Res. No. 11

**State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Krueger, S.419-C, “AN ACT to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes”.**

By Council Member Foster.

**Whereas**, A bill has been introduced in the New York State Legislature by Senator Krueger, S.419-C, “AN ACT to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation.

State Legislation Res. No. 12

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Huntley, S.3069, and Assembly Member Wright, A.502, AN ACT to amend the administrative code of the city of New York, in relation to the regulation of commercial bicyclists”.**

By Council Member Foster.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Huntley, S.3069, and Assembly Member Wright, A.502, AN ACT to amend the administrative code of the city of New York, in relation to the regulation of commercial bicyclists”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation.

State Legislation Res. No. 13

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”.**

By Council Members Foster and Vallone Jr.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”.

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York,

does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation.

Int. No. 609

By Council Members Rivera, Brewer, Cabrera, Dromm, Fidler, Jackson, Lander, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing for an electronic signature for persons who contest a parking ticket online.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of Section 19-203 of the administrative code of the city of New York is amended to read as follows:

§19-203 **Functions, powers and duties of the parking violations bureau.** The parking violations bureau shall have the following functions, powers and duties:

a. To accept pleas to, and to hear and determine, charges of parking violations; *provided that where proceedings regarding parking violations are considered online, the proceedings must allow for the use of an electronic signature for persons who contest a parking ticket;*

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

Referred to the Committee on Transportation.

Int. No. 610

By Council Members Sanders and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to late fees at the parking violations bureau.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-207 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. *Notwithstanding any other provision of this chapter, no fees for a late payment to satisfy a judgment shall be issued by the bureau until at least thirty days have elapsed from the time that the bureau informs the person charged that the charges have been sustained, provided that such person charged has otherwise abided by the provisions of this chapter.*

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

Referred to the Committee on Transportation.

Res. No. 896

**Resolution calling on the New York State Legislature to amend the New York State Public Service Law in order to prevent the over-saturation of communities with electric generating facilities that rely on fossil fuels.**

By Council Members Vallone Jr. and Williams.

**Whereas**, Rising demand for electricity in New York State creates an ongoing need for new electric generating facilities, which are most likely to be powered by fossil fuels such as oil and natural gas; and

**Whereas**, Electric generating facilities that are operated using fossil fuels result in air pollution that is especially detrimental to the health of those who reside and work nearby; and

**Whereas**, Lower real estate prices, greater land availability, and proximity to the existing power generation infrastructure make certain communities likely to be chosen as sites for a disproportionate share of new electric generating facilities; and

**Whereas**, Siting procedures for electric generating facilities should protect communities from bearing an undue share of the pollution that is created from their operation; and

**Whereas**, Article X of the New York State Public Service Law, which regulated power plant siting, expired in 2003; and



**Whereas**, The New York State Public Service Law does not include any provisions that prevent new electric generating facilities from being sited in close proximity to each other or to existing facilities; and

**Whereas**, State law should protect communities from bearing a disproportionate share of environmental and public health burdens resulting from the siting of electric generating facilities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the New York State Public Service Law in order to prevent the over-saturation of communities with electric generating facilities that rely on fossil fuels.

Referred to the Committee on Environmental Protection.

L.U. No. 425

By Council Member Comrie:

**Application no. 20115507 SCQ, a proposed site for a new, approximately 416 seat Primary School Facilities, P.S. 316 (Block 9063, Lot 27 and Block 9064, Lots 31 and 35), Council District No. 32, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

At the request of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) declared the Meeting in recess.

**THE COUNCIL**

*Minutes of the*  
**RECESSED MEETING**

*of*  
Tuesday, June 14, 2011  
*held on*  
Tuesday, June 28, 2011, 11:20 p.m.

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

Council Members

Christine C. Quinn, Speaker

|                         |                         |                       |
|-------------------------|-------------------------|-----------------------|
| Maria del Carmen Arroyo | Daniel J. Halloran III  | Joel Rivera           |
| Charles Barron          | Vincent M. Ignizio      | Ydanis A. Rodriguez   |
| Fernando Cabrera        | Robert Jackson          | Deborah L. Rose       |
| Margaret S. Chin        | Letitia James           | James Sanders, Jr.    |
| Leroy G. Comrie, Jr.    | Peter A. Koo            | Eric A. Ulrich        |
| Elizabeth S. Crowley    | G. Oliver Koppell       | James Vacca           |
| Inez E. Dickens         | Karen Koslowitz         | Peter F. Vallone, Jr. |
| Erik Martin Dilan       | Bradford S. Lander      | Albert Vann           |
| Daniel Dromm            | Melissa Mark-Viverito   | James G. Van Bramer   |
| Julissa Ferreras        | Rosie Mendez            | Mark S. Weprin        |
| Lewis A. Fidler         | Michael C. Nelson       | Jumaane D. Williams   |
| Daniel R. Garodnick     | James S. Oddo           | Ruben Wills           |
| Vincent J. Gentile      | Domenic M. Recchia, Jr. |                       |
| Sara M. Gonzalez        | Diana Reyna             |                       |

Excused on June 28, 2011 for the Recessed Meeting Roll Call:

Council Members Eugene, Foster, Gennaro, Gentile, Greenfield, Lappin, Levin, Mealy, Palma, Seabrook (but note: Council Members Eugene, Foster, Gennaro, and Seabrook did answer the Roll Call for Attendance for the Stated Meeting of June 28, 2011 which was opened immediately following the adjournment of this brief procedural Recessed Meeting)

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 41 Council Members present for this Recessed Meeting held on June 28, 2011 in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

*\* Editor's Note re: revised Attendance and Voting for the Stated Council Meeting held on June 14, 2011 and the Recessed Council Meetings held on June 15, 2011 and June 28, 2011: The Stated Meeting of June 14, 2011 was opened and subsequently recessed on June 14, 2011, re-opened and recessed again on June 15, 2011, and re-opened once more before being finally adjourned after a brief procedural meeting held on June 28, 2011. The Recessed Meetings held respectively on June 15, 2011 and June 28, 2011 are therefore, considered the continuation and conclusion of the Stated Meeting that originally opened on June 14, 2011. These three proceedings together constitute and are known collectively as the Stated Council Meeting of June 14, 2011. For attendance and voting purposes, therefore, any Council Member who was present at either one of these proceedings will be considered present for the Stated Meeting of June 14, 2011.*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these brief proceedings to meet again for the Stated Meeting on June 28, 2011.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council









