

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —CHARTER MEETING OF
WEDNESDAY, JANUARY 5, 2011

THE COUNCIL

Minutes of the
CHARTER MEETING

of
Wednesday, January 5, 2011, 12 Noon

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Gennaro and Jackson.

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

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

There were 49 Council Members present at this Charter Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Rabbi Yossi Blesofsky, Director of Chabad of Northeast Queens, 212-12 26th Avenue, Bayside, NY 11360.

Today's Invocation is especially momentous,
as it is ushering in 2011.
I feel privileged to be here,
particular as a Chabad Lubavitch Rabbi,
due to the very special connection

between Chabad Lubavitch and New York City,
dating back to 1940 when New York was chosen
as the headquarters for the movement
and the Grand Rebbe Rabbi Schneerson
took up his residence in Brooklyn.

Oh Mighty God, Master of the universe,
the members of this august body,
the New York City Council, convene here
from across the great city of New York
to conduct the people's business
in good faith and with selfless dedication.
In so doing, they fulfill a fundamental precept,
which according to sacred Biblical tradition,
You first issued to Adam at the time of his creation
and to Noah after the great flood,
the commandment to govern by just laws.
At mankind's beginning and again at Mount Sinai,
you issued forth seven universal commandments
for all of humanity to heed,
which came to be known as the Seven Noahide Laws.
The last of those precepts
is that every society legislate for itself
a system of law, order and social justice,
based on the recognition and acknowledge of You,
Almighty God, as the sovereign leader
of all men and of all nations.

We the citizen of this blessed country,
the United States of America,
proudly proclaim this recognition
and affirm our commitment to justice
in our Pledge of Allegiance
when we describe our union
as "one nation under God, indivisible,
with liberty and justice for all.
"Grant us, Almighty God
that those assembled here
to enact laws to govern
this blessed City of New York,
be cognizant of Your presence,
and conduct their deliberations accordingly.
Allow them to debate their differences vigorously,
but to remember foremost that to legislate
for the common good of the people
is not only a civic privilege,
but also a divinely mandated responsibility.
Be it Your will oh God
that the dedicated men and women
of the New York City Council
be blessed with good health, wisdom,
compassion, good cheer and good fellowship.

A special note of appreciation for those
who put their lives on the line to protect us;
in particular today, I would like to mention
Detective Senft, who 17 years ago this week,
disarmed a bomb at Police Plaza

and was injured doing so.
 May the members of the New York
 City Council contemplate and bear in mind,
 as they engage in the enactment of just
 and benevolent law and public policy,
 that in doing so they are fulfilling your Godly will.

Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following two individuals: Queens County Clerk Gloria D’Amico and Dr. Billy Taylor.

Queens County Clerk Gloria D’Amico, 83, died on December 21, 2010 after a bout with cancer. For nearly twenty years, she served as the Clerk of Queens County and was responsible for the complete computerization of the Vital Records office, the total renovation of the jury facilities, and the implementation of the first borough jury call-in system. Known for her dynamic leadership, strong moral convictions, and personal warmth, she was involved in many political, community, and civic activities in addition to her extensive volunteer work on behalf of her Church in Astoria. She is survived by her sons, Lewis and Leonard, her daughter-in-laws Katherine and Wendy, her four grandchildren, and her two great-grandchildren.

Dr. Billy Taylor, 89, of Riversdale, N.Y., famed jazz pianist and composer, died of heart failure on December 28, 2010. He was born in North Carolina, grew up in Washington, D.C., and moved to New York City in 1943 where he became a fixture on the famed 52nd Street nightclub row. Dr. Taylor, an expert musician and composer, started lecturing on jazz in the early 1950s and hosted an NBC jazz program in 1958. He was especially proud of founding the Jazzmobile which brought free concerts by nationally known musicians to street corners, housing projects and parks throughout New York City. In 1994, Dr. Taylor became the artist director for jazz at the Kennedy Center for the Performing Arts in Washington, D.C. He taught generations the love of jazz and music. He is survived by his wife Theodora and his daughter Kim Taylor-Thompson.

At a later point in the Meeting, Council Member Halloran recognized several NYPD detectives in the gallery including a former constituent of his Queens district, retired Detective Anthony Senft. Detective Senft was gravely injured while diffusing an FALN bomb at One Police Plaza on December 31, 1982 saving the lives of many that day. Council Member Halloran recognized him along with members of the Detective Endowment Association, the Captains Benevolent Association, and the Police Benevolent Associations.

ADOPTION OF MINUTES

Council Member Levin moved that the Minutes of the Stated Meeting of November 30, 2010 be adopted as printed.

REPORTS OF THE STANDING COMMITTEES

Report 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 Int. No. 451

Report of the Committee on Finance in favor of approving, and adopting, a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date

of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twelve.

The Committee on Finance, to which the annexed proposed local law was referred on January 5, 2011, respectfully

REPORTS:

ANALYSIS:

Various provisions in chapter ten of the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year’s budget. Chapter one of the Charter contains a provision providing for the Mayor’s submission of, and Council hearings on, the Mayor’s Preliminary Management Report (“PMMR”).

This intro would provide for an extension of the date for the submission by the Mayor of the preliminary budget for fiscal year 2012, as well as providing extensions for subsequent steps in the budget submission process. This legislation would also extend the dates for submission by the Mayor of the PMMR and the date by which the Council must conduct its hearings and submit its recommendations on the report.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions of the budget submission process, and PMMR would be extended as follows:

	Charter Date	Extended Date For FY 2012
Mayor's submission of preliminary management report (Charter sec.12)	not later than January 30	not later than February 25
Council's public hearings and report on preliminary management report (sec.12) <i>(These hearings are done jointly with the prelim. budget hearings)</i>	prior to April 8	prior to April 22
OMB and CPC’s submission of draft ten-year capital strategy (sec. 228)	not later than November 1	not later than February 17
CPC’s submission of the report on the draft ten-year capital strategy (sec. 234)	not later than January 16	not later than March 25
Mayor's preliminary certificate on maximum capital debt and obligations (sec.235)	not later than January 16	not later than February 17
Mayor's submission of preliminary budget (sec.236)	not later than January 16	not later than February 17
IBO revenue report (sec.237)	on or before February 1	on or before March 4

Community boards submission of assessment of preliminary budget (sec.238)	not later than February 15	not later than March 17	
Finance Commissioner's submission of estimate of assessed valuation and of taxes due and uncollected (sec.239)	not later than February 15	not later than March 17	
Mayor's submission of tax than benefit report (sec.240)	not later than February 15	not later than March 17	later
Borough board's statement on borough priorities (sec. 241)	not later than February 25	not later than March 18	
Council's submission of operating budget (sec.243)	not later than March 10	not later than March 25	
Borough President's submission of recommended modifications to preliminary budget (sec.245)	not later than March 10	not later than March 18	
IBO preliminary budget report (sec.246)	on or before March 15	on or before March 18	
Council's preliminary budget hearings and submission of recommendations (sec.247)	not later than March 25	not later than April 8	
Campaign Finance Board's submission of financial needs (sec.1052)	not later than March 10	not later than March 18	

This legislation would take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 1, 2010.

(The following is from the text of the Fiscal Impact Statement for Int. No. 451:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Tanisha Edwards
City Council Finance Division

HISTORY: To be considered by Committee on January 5, 2011

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 451:)

Int. No. 451
By Council Members Recchia, Fidler, Mealy and Rose (by request of the Mayor).

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

Be it enacted by the Council as follows:

- Section 1. During the calendar year 2011 and in relation to the 2012 fiscal year:
 - Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 25, 2011, and the council shall conduct public hearings on such report prior to April 22, 2011 and submit to the mayor and make public not later than April 22, 2011, a report or reports of findings and recommendations.
 - Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 17, 2011.
 - Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 25, 2011.
 - Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 17, 2011.
 - Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 17, 2011.
 - Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before March 4, 2011.
 - Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 17, 2011.
 - Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 17, 2011.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 17, 2011.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 18, 2011.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 25, 2011.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 18, 2011.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 18, 2011.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 8, 2011.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 18, 2011.

§2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 1, 2010.

DOMENIC M. RECCHIA, Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, 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, January 5, 2011.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 451:)

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

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

A LOCAL LAW

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

Given under my hand and seal this 4th day of
January, 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).

Report of the Committee on Housing and Buildings

Report for Int. No. 436-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 alternative enforcement program.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 30, 2010 (Minutes, page 4940), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

The Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 436-A, a Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program. This bill would amend the Safe Housing Act, Local Law 29 for the year 2007, in certain respects. The Department of Housing Preservation and Development (HPD or Department) is the local agency responsible for ensuring that tenants have decent, safe and sanitary housing and central to meeting this obligation is Code enforcement.

In May of 2007, the City Council passed Int. No. 561-A which became Local Law 29 for the year 2007 (Local Law 29). Local Law 29 enacted the Safe Housing Act (which created the Alternative Enforcement Program) which was intended to improve HPD Code enforcement. Generally, the most severe housing violations are designated as Class C violations and must be corrected within 24 hours. When landlords do not correct these violations HPD will sometimes order emergency repairs and then bill the owner for these repairs. However, the traditional methods by which governmental agencies enforce housing maintenance standards within New York City have not always yielded the intended results. These efforts, usually litigation or repairs made by a contractor acting on behalf of a City agency, do not always result in reaching the core of the physical problems in distressed buildings.

The intent of the Alternative Enforcement Program (AEP) is to alleviate the serious physical deterioration of buildings by forcing owners to make effective repairs or ensuring that the City government can effectuate repairs in a more comprehensive fashion so that emergency conditions are alleviated and the underlying physical conditions related to housing code violations are addressed. The program requires HPD to identify 200 multiple dwellings in the City each year for participation in AEP that meet certain criteria, based upon the number of outstanding existing Housing Maintenance Code violations and the amount of emergency repair charges. Once identified, owners of the multiple dwellings selected are required to address noted violations within a certain timeframe or the City will make such repairs, bill the property owner, and if necessary, place a lien on the affected property.

In response to concerns raised about the health impact of mold and vermin violations on tenants and the difficulty the Department of Housing Preservation and Development and property owners have experienced under the current parameters of the program, this bill would revise the AEP in certain respects, by incorporating provisions specifically related to addressing mold and vermin conditions as a required component of AEP, revising the program's selection criteria to include more dwelling units within the program and allowing certain buildings to be more readily discharged from AEP.

On December 15, 2010, the Committee heard an earlier version of this bill and received testimony from representatives of HPD and other persons interested in this legislation. Int. No. 436 was amended following this initial hearing.

Proposed Int. No. 436-A

Bill section one amends subdivisions (c), (d), (e), (g), (i), (j), (k), (l), (n) and (v) of section 27-2153 of the Administrative Code (Ad. Code) which establishes the Alternative Enforcement Program and sets the program's parameters.

Subdivision (c) establishes the selection criteria for the 200 distressed buildings HPD must identify to participate in the Alternative Enforcement Program's fourth year and for all subsequent years. Subdivision (c) is amended to provide the following criteria for buildings to participate in the program: multiple dwellings that contain three to nineteen units with a ratio of open hazardous and immediately hazardous violations issued by the Department in the two years prior to identification which equals five or more of such violations for every dwelling; multiple dwellings that contain twenty or more units and have a ratio of open hazardous and immediately hazardous violations that equals three or more violations for every apartment in the building; and multiple dwellings that have incurred paid

and unpaid emergency repair charges, incurred in the two-year period prior to identification of at least \$2,500 in a building that contains between three and nineteen units and at least \$5,000 in a building that contains twenty or more units.

Subdivision (c) is also amended to allow HPD, in the sixth year of the program, and for subsequent years, to by rule change the building selection criteria related to the ratio of open hazardous and immediately hazardous violations for every dwelling unit in the building and the amount or ratio of paid and any unpaid emergency repair charges, which must exist for a building to qualify for participation in the program. However, the number of multiple dwellings selected for the program must remain at 200.

Subdivision (d) is amended to require HPD to select those buildings having the highest amount of paid and unpaid emergency repair charges and liens as the buildings identified first for participation in the program.

Subdivision (e) is amended to exempt additional buildings from participation in AEP. Exempt buildings would now include buildings that were the subject of an *in rem* foreclosure judgment in favor of the City and that were transferred by the City to a third party pursuant to section 11-412.1 of the Ad. Code within the prior five years and buildings that are currently the subject of a court order appointing an administrator or a proceeding brought by HPD seeking the appointment of a court ordered administrator pursuant to Article 7-A of the Real Property Actions and Proceedings Law.

Subdivision (g) is amended to require that within 30 days of identifying a building for participation in the program, HPD must provide written notification to the owners of such buildings, the occupants of the identified buildings, and the Council Member in whose district each participating building is located, about the building's participation in AEP. Additionally, HPD must provide to the owners of buildings identified for participation information about correcting violations relating to mold and vermin, when such violations are applicable, as set forth in paragraphs (ii) and (iii) of subdivision (i).

Subdivision (i) is amended by revising the "substantial compliance" discharge criteria to reflect the new focus on mold and vermin violations. This subdivision would provide that an owner demonstrates "substantial compliance" when all violations directly related to providing heat and hot water, all immediately hazardous violations related to mold, 80 percent of all hazardous violations related to mold, 80 percent of all vermin violations, and 80 percent of all other open hazardous and immediately hazardous violations have been determined by HPD to have been corrected. Violations relating to mold may only be deemed corrected if addressed in accordance with the requirements of new paragraph (ii) of subdivision (i). Violations relating to vermin may only be deemed corrected if addressed in accordance with the requirements of new paragraph (iii) of amended subdivision (i).

New paragraph (ii) of subdivision (i) requires owners of buildings participating in the program to correct mold violations by investigating and correcting identified moisture problems prior to or as part of the mold removal work; informing building occupants about the start of mold removal work; providing building occupants with a copy of the Department of Health and Mental Hygiene's (DOHMH) brochure about mold; requiring, to the extent practicable, occupants to leave the work area before work begins; removing, or securely covering with plastic sheeting, any difficult-to-clean surfaces or items in the immediate work area before mold removal work begins; ensuring that all mold removal work is done in a manner that minimizes the dispersion of dust and debris from the work area into other parts of the dwelling; removing and throwing away porous materials that contain mold growth and that cannot be cleaned, or materials that are saturated with water and that cannot be dried; discarding any plastic sheeting, materials with mold growth, and used sponges, mop heads and cleaning wipe cloths in sealed heavy-duty plastic bags; cleaning any remaining visible dust from the mold removal work using wet cleaning methods or by HEPA-vacuuming, and cleaning mold growth with soap or detergent and water, not bleach or other biocide solutions.

Upon the completion of the mold removal work, new paragraph (ii) also requires the owner to document all corrective actions taken for identifying and repairing moisture sources and the mold removal work methods that were used. Owners must also inform occupants of the building that if mold growth or moisture recurs they should inform the building owner. Certification must be provided to HPD that the required actions have been taken by the building owner.

New paragraph (iii) of subdivision (i) requires owners of buildings participating in AEP to correct vermin violations by eliminating conditions conducive to vermin infestation, including but not limited to, areas allowing access to vermin, leaking plumbing, and uncontained garbage and debris and eliminating sources of water and food for pest. Owners are also required to inform building occupants about the commencement of pest management treatment and provide occupants with a copy of the Department of Health and Mental Hygiene's brochure on controlling pests safely. Additionally, owners must also request that occupants support the pest management treatment by preparing the kitchen, bathroom and other areas as needed and that occupants be available to listen to advice on how to maintain pest-free conditions, including clean-up, food storage, management of garbage and selection of safer pest control products. The owner must also address vermin violations by utilizing pesticide applications or devices that are permitted by State and Federal law. No person may perform pesticide applications unless that person is a certified applicator pursuant to Article 33 of the Environmental Conservation Law or is supervised by a certified applicator. An owner must also caulk and seal small holes less than four inches in diameter, cracks and crevices in or in between walls, cabinets, floors and in other locations where vermin may gain access. A HEPA-vacuum must be utilized in kitchens and bathrooms including in cracks, crevices and appliances in such rooms.

Upon the completion of the pest management work, the owner must document all corrective actions taken to address vermin violations including work

methods and products used, provide information to the tenants about ways to control pests safely, inform the tenants that they should report recurrent or persistent pest problems to the owner, and provide a certification to HPD that such required actions have been taken. In addition, for a building in which vermin infestation is indicated, the owner must submit a pest management plan indicating continuing pest control measures to DOHMH for approval before the building can be discharged from AEP.

Subdivision (j) is amended to allow an owner who receives notice from HPD that he or she has substantially complied with the requirements of the program to enter into an agreement with the Department of Finance (DOF) to pay outstanding charges, including liens, for emergency repair work performed by the Department and consequently be discharged from the program. Previously, buildings could only be discharged from AEP if the owner paid all outstanding charges, including liens, for emergency repair work performed by the Department. If the owner fails to substantially comply with subdivision (i) or pay all outstanding charges, including liens, for emergency repair work, if any, or enter into a repayment agreement with DOF then the building shall remain in AEP.

Subdivision (k) requires HPD to perform a building-wide inspection, prepare a scope of work and issue an order of correction, of any building that is enrolled in AEP if the owner has failed to achieve substantial compliance or if the owner has not responded to the written notification received pursuant to subdivision (g). Subdivision (k) is amended to provide, that if the building-wide inspection by HPD does not indicate that any building systems must be repaired or replaced, the Department's order may be limited to requiring the correction of Housing Maintenance Code and Multiple Dwelling Law violations and any physical defects.

New paragraph (iii) of subdivision (k) provides that when HPD causes repair work to be commenced in accordance with a scope of work pursuant to paragraph (ii), in a multiple dwelling in which vermin infestation is indicated, vermin violations must be corrected in accordance with the requirements of paragraph (iii) of subdivision (i) and the owner of such multiple dwelling must submit a pest management plan indicating continuing pest control measures to DOHMH for approval before the building may be discharged from the program.

Subdivision (l) is amended to provide that an owner, managing agent or representative of a building subject to the order under subdivision (k) may be required to participate in a training course related to building operations and maintenance that has been approved by HPD.

Subdivision (n) is amended to allow building owners who enter into a payment agreement with DOF to pay all outstanding emergency repair charges, including liens, to be eligible for discharge by HPD from the program. Subdivision (n) is also amended to allow for the discharge from the program of any building for which an administrator is appointed pursuant to article 7-A of the Real Property Actions and Proceedings Law during the time period that such building is participating in the program; any building that is vacant for one year or more except for any building that contains six or more units and is the subject of a vacate order; any building that becomes the subject of an *in rem* foreclosure judgment in favor of the city and that is transferred by the City to a third party pursuant to section 11-412.1 of the Ad. Code; and any building in which the Department has completed the work it is required to perform pursuant to subdivision (k).

Further, this subdivision is amended to provide that when HPD determines to discharge a building from AEP, HPD shall file with the County Clerk's Office in the county in which the building is located a rescission of the order that was issued to correct the violations, if applicable. The "substantial compliance" discharge criteria were also amended to require that at the time of reinspection by HPD, all violations relating directly to providing heat and hot water and all immediately hazardous violations related to mold, 80 percent of all hazardous violations related to mold, 80 percent of all vermin violations and 80 percent of all other open hazardous and immediately hazardous violations and their related underlying conditions must have been determined by HPD have been corrected for a building to be discharged. A violation relating to mold may only be deemed to have been corrected if the violation has been corrected in accordance with paragraph (ii) of subdivision (i) and a violation relating to vermin may only be deemed to have been corrected if the violation has been corrected in accordance with paragraph (iii) of subdivision (i) of this section and, when applicable, paragraph (iii) of subdivision (k) of this section.

Amended subdivision (v) would require the study related to AEP's effectiveness to be provided no later than July 31, 2012 and every two years thereafter. Subdivision (v) is also amended to require that such study now include: an evaluation of the use of the work practices identified in paragraph (ii) of subdivision (i) to address mold conditions including the reoccurrence of mold; for those buildings in which a building-wide inspection was conducted, an assessment of whether mold was identified in the building and whether the criteria for the issuance of a violation for mold should be revised or enhanced as a result; an evaluation of the use of the work practices identified in paragraph (iii) of subdivision (i) of this section to address vermin conditions; information on the compliance levels achieved by buildings which remain in the program for failure to achieve substantial compliance and recommendations on how to achieve higher compliance levels for those buildings; and for those buildings that were discharged from the program, information on the number of buildings that were able to correct all identified violations prior to discharge or that were able to achieve a higher compliance level than required by AEP in order to be discharged and an assessment of why the buildings were able to achieve those results.

Bill section two requires HPD to publish the full text of any proposed rule to revise the program's multiple dwelling selection criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program before such rules are adopted. HPD must publish the full text of the proposed rule in the

City Record at least 90 days before a public hearing is held pursuant to section 1043 of the New York City Charter or the final date for receipt of written comments, whichever is earlier. In addition, bill section two provides that HPD must provide to the Council, each Council Member, and each Community Board and to housing preservation groups including the housing preservation initiative, notice and information about the proposed revised criteria along with an explanation of why the revisions are needed. The proposed rule, notice and information must also be available on HPD's website.

Bill section three provides that the provisions of this local law, shall take effect on January 31, 2011, except that HPD must take all actions necessary for its implementation, including the promulgation of rules, prior to the effective date.

Amendments to Int. 436:

- Technical changes were made in different portion of the bill to revise the order of text and to correct inaccurate references.
- Subdivision (g) was revised to specify that HPD shall provide to owners information about correcting violations related to mold and vermin, when such violations are applicable to a multiple dwelling, as set forth in paragraph (ii) and (iii) of subdivision (i) rather than sending to the owner information about "best practices" on correcting such conditions.
- The text of paragraph (iii) of subdivision (i) was reordered and revised to remove references to the specific types of pesticide applications or devices which may be used to address vermin violations and now provides that an owner may use pesticide applications or devices as permitted by State and Federal law. Additionally, this paragraph now provides that no person may perform pesticide applications unless that person is a certified applicator pursuant to Article 33 of the Environmental Conservation Law or is supervised by a certified applicator.
- Paragraph (iii) of subdivision (k) was amended to clarify when HPD will be required to correct vermin conditions in buildings participating in the program and in what manner. The revised bill would now require that when HPD or a contractor hired by the Department undertakes repair work under paragraph (ii) of subdivision (k), in a multiple dwelling in which vermin infestation is indicated, vermin violations must be addressed in accordance with paragraph (iii) of subdivision (i). Owners of such multiple dwellings must submit, to DOHMH for approval, a pest management plan indicating continuing pest control measures which must be approved by DOHMH prior to the discharge of the multiple dwelling from the program.
- Subdivision (n) was revised to provide that HPD may discharge any building that is vacant for one year or more except for any building that contains six or more units and is the subject of a vacate order and any building in which HPD has completed the work it is required to perform pursuant to subdivision (k).

(The following is from the text of the Fiscal Impact Statement for Int. No. 436-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 12	FY Succeeding Effective FY 11	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$1,000,000	\$1,000,000
Net	\$0	\$1,000,000	\$1,000,000

IMPACT ON REVENUES: No impact on revenues

IMPACT ON EXPENDITURES: The impact on expenditures is projected to be approximately \$1,000,000 when the amendments to Local Law 29 are fully implemented by Fiscal 2012. The costs associated with the changes to Local Law 29 are due to the increase in the average building size that the legislation would cover. Specifically, the average building size will increase from 6-7 units to 17-18 units which is expected to lead to an average increase of approximately 2,000 units (from 1,000 to 3,000 units) from round 3 to round 4 of the program. Based on previous rounds of AEP, HPD projects the costs for repairs to be approximately \$467 per unit. The 2,000 additional units this legislation would cover in round 4 results in the overall costs increase of approximately \$1,000,000. There is little or no impact on expenditures in Fiscal 2011 since building owners have four months (from January 31st, 2011 to May 31st, 2011) to complete the repair work. If the repair work is not completed during this period HPD will then begin to incur the repair costs associated with AEP. Repair costs incurred by HPD are recoverable against an owner. Since this time period covers the remainder of Fiscal 2011 it is anticipated that costs resulting from the legislation will commence in Fiscal 2012 which begins July 1st, 2011. It should be noted, however, that these projections are based on costs averages and building size averages, all of which may change overtime due to factors such as inflation and rulemaking authority from HPD that could alter AEP criteria and therefore change the number of units that may be covered.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Federal Community Development Block Grant Funds in the Department of Housing Preservation and Development's expense budget.

SOURCE OF INFORMATION: New York City Council Finance Division

Department of Housing Preservation and Development

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director
Anthony Brito, Senior Legislative Financial Analyst

HISTORY: Introduced by the City Council and referred to Housing and Buildings Committee as Intro. 436 on November 30, 2010. On December 15, 2010 a hearing was held on the bill and the bill was laid over. An amendment has been proposed, and the amended legislation, Proposed Intro. No. 436-A is scheduled to be voted out of the Housing and Building Committee and the Full Council on January 5, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 436-A:)

Int. No. 436-A

By Council Members Mendez, James, Brewer, Chin, Dromm, Lander, Mark-Viverito, Seabrook, Vann, Williams, Jackson, Rodriguez, Nelson, Arroyo, Rose, Lappin, Gennaro, Recchia, Fidler, Barron, Garodnick, Gonzalez, Greenfield, Koppell, Reyna and Sanders.

A Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program.

Be it enacted by the Council as follows:

Section 1. Subdivisions c, d, e, g, i, j, k, l, n and v of section 27-2153 of the administrative code of the city of New York, as added by local law number 29 for the year 2007, are amended to read as follows:

c. (1) In the fourth year and each succeeding year of such program the department shall identify no fewer than two hundred different distressed buildings for participation in the alternative enforcement program. The criteria used to identify distressed buildings in such years shall be:

(i) [twenty-five or more open hazardous or immediately hazardous violations which were issued by the department within the two-year period prior to identification of the building for such program; and

(ii) *in a multiple dwelling that contains not less than three and not more than nineteen units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that [equal] equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling[;], and in a multiple dwelling that contains not less than twenty units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and*

(iii) *(ii) paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification [in a ratio], of [one hundred] two thousand five hundred or more dollars [for each dwelling unit in the multiple dwelling, whether or not such charges have been paid or liens satisfied] in a multiple dwelling that contains not less than three and not more than nineteen units, and paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of five thousand or more dollars in a multiple dwelling that contains twenty or more units.*

(2) *Notwithstanding the provisions of paragraph one of this subdivision, in the sixth year of such program, and for each succeeding year, the department shall identify no fewer than two hundred different distressed buildings for participation in the alternative enforcement program and may by rule revise criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program.*

d. For the purposes of subdivisions a[.], and b[, and c] of this section, those buildings having the highest aggregate ratio of open hazardous and immediately hazardous violations for every dwelling unit shall be the buildings identified first for participation in the program. *For the purposes of subdivision c of this section, those buildings having the highest amount of paid and unpaid emergency repair charges and liens incurred within the two-year period prior to identification shall be the buildings identified first for participation in the program.*

e. Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a building that is currently the subject of an in rem foreclosure action by the city, or that was the subject of an in rem foreclosure judgment in favor of the city and that was transferred by the city to a third party pursuant to section 11-412.1 of the code within the prior five years, or that is currently the subject of a court order appointing or a proceeding brought by the department seeking the appointment of an administrator pursuant to article 7-A of the real property actions and proceedings

law, shall not be included in the alternative enforcement program.

g. The department shall within thirty days of [the effective date of this article] *identifying distressed buildings for participation in the alternative enforcement program* provide written notification to the owner of any building identified for participation in the alternative enforcement program, the occupants of such building and the council member in whose district the building is located, that such building is subject to the requirements of such program and the requirements of this article. *The department shall simultaneously provide to such owner information about correcting violations related to mold and vermin, when such violations are applicable to such multiple dwelling, as set forth in paragraphs ii and iii of subdivision i of this section.*

i. (i) The owner of a building that is identified for participation in the alternative enforcement program shall be required to respond in writing to the notification provided pursuant to subdivision g of this section whether he or she intends to correct the existing violations of this code and the multiple dwelling law in such building. Such owner shall correct the existing violations of this code and the multiple dwelling law in such building no later than four months after written notification by the department pursuant to subdivision g of this section, provided, however, that the original correction date for any violation issued in such building shall not be deemed to be changed or postponed by such notification. Nothing in this subdivision shall preclude the department from determining after such identification that the provisions of subdivision k may be immediately implemented. Where such owner believes that such violations have been corrected, such owner shall request a reinspection of such violations for dismissal by the department. The process to request a reinspection and dismissal of such violations shall be prescribed in rules promulgated by the department. The department shall perform a reinspection within sixty days of receipt of a request for such reinspection by the owner and upon completion of such reinspection the department shall assess whether such owner has substantially complied with the requirements of this subdivision. The department shall issue a notice of violation for any new violation observed in the course of such reinspection. After completion of such reinspection, the department shall within twenty days provide a written determination to such owner. For the purposes of this subdivision, "substantial compliance" shall mean that at the time of reinspection by the department, all violations relating directly to providing heat and hot water *and all immediately hazardous violations related to mold, eighty percent of all hazardous violations related to mold, [and] eighty percent of all vermin violations and eighty percent of all other open hazardous and immediately hazardous violations* have been determined by the department to have been corrected. *A violation relating to mold shall only be deemed corrected if the violation has been corrected in accordance with paragraph ii of this subdivision and a violation relating to vermin shall only be deemed corrected if such violation has been corrected in accordance with paragraph iii of this subdivision.*

(ii) *With respect to mold violations, the owner of a building participating in the alternative enforcement program shall correct such violations by investigating and correcting identified moisture problems prior to or as part of the mold removal work; informing building occupants about commencement of mold removal work; providing building occupants with a copy of the department of health and mental hygiene's brochure about mold and requiring, to the extent practicable, occupants to leave the work area before work begins; removing, or securely covering with plastic sheeting, any difficult-to-clean surfaces or items in the immediate work area before mold removal work begins; ensuring that all mold removal work is done in a manner that minimizes the dispersion of dust and debris from the work area into other parts of the dwelling; removing and throwing away porous materials that contain mold growth and that cannot be cleaned, or materials that are saturated with water and that cannot be dried; discarding any plastic sheeting, materials with mold growth, and used sponges, mop heads and cleaning wipe cloths in sealed heavy-duty plastic bags; cleaning any remaining visible dust from the mold removal work using wet cleaning methods or by HEPA-vacuuming and cleaning mold growth with soap or detergent and water, not bleach or other biocide solutions. When such mold removal work has been completed, such owner shall document all corrective actions taken for identifying and repairing moisture sources and mold removal work methods that were used, inform occupants of the building that if mold growth or moisture recurs they should inform the building owner, and shall provide a certification to the department that such actions have been taken.*

(iii) *With respect to vermin violations, the owner of a building participating in the alternative enforcement program shall correct such violations by eliminating conditions conducive to vermin infestation, including but not limited to, areas allowing access to vermin, leaking plumbing, and uncontained garbage and debris, and eliminating sources of water and food for pests. Owners shall inform building occupants about the commencement of pest management treatment and provide occupants with a copy of the department of health and mental hygiene's brochure on controlling pests safely. Owners shall request that occupants support the pest management treatment by preparing the kitchen, bathroom and other areas as needed and that occupants be available to listen to advice on how to maintain pest-free conditions, including clean up, food storage, management of garbage, and selection of safer pest control products. Such owner shall also address such violations by utilizing pesticide applications or devices as permitted by state and federal law. No person may perform pesticide applications unless that person is a certified applicator pursuant to article 33 of the environmental conservation law or is supervised by a certified applicator. An owner shall caulk and seal small holes less than four inches in diameter, cracks and crevices in or in between walls, cabinets, floors, and in other locations where vermin may gain access. A HEPA-vacuum shall be utilized in kitchens and bathrooms, including in cracks, crevices and appliances in such rooms. When such pest management work has been completed, such owner shall document all corrective actions taken to address*

vermin violations including work methods and products used, provide information to occupants of the building about ways to control pests safely, inform building occupants that they should report recurrent or persistent pest problems to the owner, and provide a certification to the department that such actions have been taken. In addition, for a multiple dwelling in which vermin infestation is indicated the owner of such multiple dwelling shall submit a pest management plan indicating continuing pest control measures to the department of health and mental hygiene for approval which must be approved by such department prior to the discharge of such building from the program.

j. (i) Where an owner has received a written determination by the department that he or she has substantially complied with the requirements of subdivision i of this section, such owner shall pay to the department all outstanding charges, including liens, for emergency repair work performed by the department in such building that are due, if any, *or shall enter into an agreement with the department of finance to pay such charges and liens*, and shall register the building in accordance with article two of subchapter four of chapter two of this title if the building is not validly registered. Upon such payment, *or execution of such an agreement*, and valid registration, where applicable, the department shall notify the owner, the occupants in such building and the council member in whose district such building is located that the building has been discharged from participation in the alternative enforcement program, provided, however, that the department shall continue to monitor the building to ensure continued compliance with this code. Such monitoring shall be performed not less often than every three months for a period of at least one year with special consideration given to any uncorrected immediately hazardous violations.

(ii) Except as provided in subdivision l of this section, the failure by an owner to substantially comply with the provisions of subdivision i of this section, or pay all outstanding charges, including liens, for emergency repair work, if any, *or enter into an agreement with the department of finance to pay such charges and liens*, or validly register the building in accordance with article two of subchapter four of chapter two of this title, where applicable, shall result in the building remaining in the alternative enforcement program, and such building shall continue to be subject to the fees and other requirements applicable to such program. Upon such failure, the department shall notify such owner that the building has not been discharged from the alternative enforcement program.

k. (i) The department shall perform a building-wide inspection of a building that is subject to the requirements of the alternative enforcement program if: (1) the owner has been notified that such building has not been discharged from the program pursuant to subdivision i of this section, or (2) the owner has failed to respond to written notification by the department in accordance with subdivision g of this section. Such building-wide inspection shall be commenced no later than thirty days after notice is given to the owner pursuant to paragraph ii of subdivision j of this section. After such building-wide inspection is completed, the department shall issue an order to such owner to correct existing violations of this code and the multiple dwelling law and any new violations written since the notification of the owner in accordance with subdivision g of this section and repair the related underlying conditions as shall be specified in such order, *provided, however, that if such inspection does not indicate that any building systems must be repaired or replaced, the order may be limited to requiring the owner to correct violations of this code and the multiple dwelling law and any physical defects.* Such building-wide inspection shall be completed and such order issued within ninety days of commencement of the building-wide inspection. Such order shall be filed in the office of the county clerk in the county in which the building is located. For purposes of this article, a "related underlying condition" shall mean a physical defect or failure of a building system that is causing or has caused a violation, such as, but not limited to, a structural defect, or failure of a heating or plumbing system.

(ii) The department shall: (1) within thirty days of the filing of such order prepare a scope of work necessary to correct the violations and repair the related underlying conditions as are specified in such order; (2) cause repair work to be commenced and expeditiously completed unless there are circumstances beyond the control of the department such as: the inability to obtain access to the building or any part thereof necessary for the making of such repairs in which case the repairs related to the portion of the building to which access could not be obtained may be delayed until access is obtained; or the inability to obtain necessary legal approvals, materials or labor; or [for so long as] there is ongoing litigation with respect to the building that prevents such work from being performed by the department; or the owner undertakes the repair work in a manner that is satisfactory to the department; or commencement or completion of the work is not practicable because a vacate or similar order has been issued by the department or any city agency and/or the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible; and (3) monitor repair work as it is performed in accordance with subdivision m of this section. For the purposes of this subdivision, "economically infeasible" shall mean a determination by the department that the cost of repairing a particular building exceeds the anticipated market value of such building after all repairs have been completed. However, any determination by the department that, for the purposes of this subdivision, repairs to a particular building would be economically infeasible for the department to undertake, shall not take into consideration the owner's conduct with respect to the building.

(iii) *When the department causes repair work to be commenced in accordance with paragraph ii of this subdivision, in a multiple dwelling in which vermin infestation is indicated, vermin violations shall be corrected in accordance with paragraph iii of subdivision i of this section. The department shall also require the owner of such multiple dwelling to submit to the department of health and mental hygiene for their approval a pest management plan indicating continuing pest control measures. Such plan must be approved by the department of health and*

mental hygiene prior to the discharge of such building from the program.

l. The owner or managing agent or other designated representative of a building which is the subject of an order by the department pursuant to subdivision k of this section [shall] *may* be required to participate in a course of training relating to building operation and maintenance, approved by the department[, prior to discharge of the building from the alternative enforcement program].

n. The department may discharge from the alternative enforcement program a building for which an order has been issued pursuant to subdivision k of this section upon: (1) substantial compliance, (2) payment of fees, (3) payment to the department of all outstanding emergency repair charges, including liens, *or entry into an agreement with the department of finance to pay such charges and liens*, and (4) registration of such building in accordance with article two of subchapter four of chapter two of this title or such other criteria as may be established by rule which are not inconsistent with any of the provisions of this article as are applicable. *The department may also discharge from the alternative enforcement program any building for which an administrator is appointed pursuant to article 7-A of the real property actions and proceedings law during the time period that such building is participating in the program; any building that is vacant for one year or more except for any building that contains six or more units and is the subject of a vacate order; any building that becomes the subject of an in rem foreclosure judgment in favor of the city and that is transferred by the city to a third party pursuant to section 11-412.1 of the code; and any building in which the department has completed the work it is required to perform pursuant to subdivision k of this section.* Where the department determines to discharge a building from such program, it shall provide a written determination to the owner, the occupants of such building and the council member in whose district such building is located and shall file in the office of the county clerk in the county in which such building is located, a rescission of the order issued pursuant to subdivision k of this section, *where such order has been issued.* For the purposes of this subdivision, “substantial compliance” shall mean that at the time of reinspection by the department, all violations relating directly to providing heat and hot water *and all immediately hazardous violations related to mold, eighty percent of all hazardous violations related to mold,* [and] eighty percent of all vermin violations and eighty percent of all other open hazardous and immediately hazardous violations and the related underlying conditions, have been determined by the department to have been corrected. *A violation relating to mold shall only be deemed corrected if the violation has been corrected in accordance with paragraph ii of subdivision i of this section and a violation relating to vermin shall only be deemed corrected if such violation has been corrected in accordance with paragraph iii of subdivision i of this section and, when applicable, paragraph iii of subdivision k of this section.*

v. No later than [four years after such program begins] *July 31, 2012 and every two years thereafter* the department shall conduct a study to evaluate the effectiveness of the alternative enforcement program. Such study shall examine, but shall not be limited to examining, the following:

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

(2) whether the criteria established pursuant to subdivisions a, b or c of this section were appropriate and if not, how they should be adjusted; [and]

(3) whether the monitoring undertaken by the department is appropriate and if not, what modifications should be made[.];

(4) *an evaluation of the use of the work practices identified in paragraph ii of subdivision i of this section to address mold conditions including the reoccurrence of mold;*

(5) *for those multiple dwellings in which a building-wide inspection was conducted, an assessment of whether mold was identified in such multiple dwellings and whether the criteria for the issuance of a violation for mold should be revised or enhanced as a result;*

(6) *an evaluation of the use of the work practices identified in paragraph iii of subdivision i of this section to address vermin conditions;*

(7) *information on the compliance levels achieved by multiple dwellings which remain in the program for failure to achieve substantial compliance and recommendations on how to achieve higher compliance levels for those multiple dwellings; and*

(8) *for those multiple dwellings that were discharged from the program, information on the number of such buildings that were able to correct all identified violations prior to discharge or that were able to achieve a higher compliance level than required by this program in order to be discharged and an assessment of why such buildings were able to achieve such results.*

Such study shall also include recommendations as to whether the program should be continued or modified in any way and the reasons therefore. [Such study shall be incorporated into a report required by subdivision s of this section.]

§2. Notwithstanding any provision of chapter 45 of the New York city charter or any other provision of law to the contrary, prior to adopting rules to revise criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program pursuant to paragraph two of subdivision c of section 27-2153 of the administrative code of the city of New York, the department shall publish the full text of the proposed rule in the city record at least ninety days prior to the date set for a public hearing to be held pursuant to the requirements of subdivision d of section 1043 of the New York city charter or the final date for receipt of written comments, whichever is earlier. In addition, at the time of such initial publication, the department shall provide to the council, each council member, each community board and to housing preservation groups including the housing preservation initiative, notice and information about the proposed revised criteria along with an

explanation of why such revisions are needed and shall make such proposed rule, notice and information available on the department’s website.

§3. This local law shall take effect on January 31, 2011 provided, however, that the commissioner of housing preservation and development shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO, Committee on Housing and Buildings, January 5, 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:

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of January 18, 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).

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

- | | | |
|-----|------------------------|--|
| (1) | Int. No. 436-A | Alternative enforcement program. |
| (2) | Int. No. 451 -- | Date of submission by the mayor of a preliminary management report and preliminary budget (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage). |

- (3) **Resolution approving various persons Commissioners of Deeds.**

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

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

The General Order vote recorded for this Charter Meeting was 49-0-0 as shown above. items:

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 436-A and 451 (passed under a Message of Necessity from the Mayor).

INTRODUCTION AND READING OF BILLS

Int. No. 451

By Council Members Recchia, Fidler, Mealy and Rose (by request of the Mayor).

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

Be it enacted by the Council as follows:

Section 1. During the calendar year 2011 and in relation to the 2012 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 25, 2011, and the council shall conduct public hearings on such report prior to April 22, 2011 and submit to the mayor and make public not later than April 22, 2011, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 17, 2011.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 25, 2011.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 17, 2011.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 17, 2011.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before March 4, 2011.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 17, 2011.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 17, 2011.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 17, 2011.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough

board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 18, 2011.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 25, 2011.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 18, 2011.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 18, 2011.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 8, 2011.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 18, 2011.

§2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 1, 2010.

Adopted by the Council - Passed under a Message of Necessity from the Mayor (Int No. 451 reconsidered and approved by the Committee on Finance).

Res. No. 625

Resolution calling on the New York State Legislature and the Governor to enact a law that will expunge misdemeanor convictions from the criminal record of any individual who committed such misdemeanors before the age of twenty and is not rearrested for at least ten years from the time of such misdemeanor convictions.

By Council Members Williams, Barron, Cabrera, Chin, Dromm, Gonzalez, James, Lander, Mealy, Rose, Sanders, Seabrook and Rodriguez.

Whereas, According to the United States Bureau of Justice Statistics, in 2009, over 7.2 million people were on probation, in jail or prison, or on parole in the United States; and

Whereas, According to a report released in 2007 by the New York State Division of Criminal Justice Services ("DCJS"), 56,792 probationers in New York State were convicted of misdemeanors in 2007, 13,331 of whom were from New York City; and

Whereas, The DCJS reported a total of 102,600 convictions for misdemeanors during 2009 in New York State; and

Whereas, Under the New York State Penal Law, misdemeanors are defined as offenses, other than traffic infractions, for which a sentence of imprisonment in excess of 15 days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed; and

Whereas, Misdemeanors are often minor offenses including, but not limited to, possession of marijuana, resisting arrest, and making graffiti; and

Whereas, New York State's current policy only allows for expungement of misdemeanor convictions under limited circumstances, depending on the severity and circumstances of the crime; and

Whereas, New York State should amend its current policy to allow individuals who are convicted of committing a misdemeanor crime or crimes before the age of twenty and are not rearrested for at least ten years from the time of such misdemeanor conviction or convictions to have all such misdemeanor convictions expunged from their record; and

Whereas, Individuals with criminal records have to overcome additional obstacles when applying for employment; and

Whereas, Expunging misdemeanors from a criminal record in these limited cases would help prevent stigmatization and assist individuals who are demonstrating a commitment to a fresh start in securing employment, thus helping such individuals become productive members of society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and the Governor to enact a law that will expunge misdemeanor convictions from the criminal record of any individual who committed such misdemeanors before the age of twenty and is not rearrested for at least ten years from the time of such misdemeanor convictions.

Referred to the Committee on Public Safety.

L.U. No. 281

By Council Member Comrie:

Application no. 20115289 HKQ (N 110135 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2386) by the Landmarks Preservation Commission of The Jamaica Chamber of Commerce Building, located at 89-31 161st Street (Block 9760, Lot 27) as a historic landmark, Council District no. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 282

By Council Member Comrie:

Application no. 20115290 HKQ (N 110136 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2393) by the Landmarks Preservation Commission of the Jamaica Savings Bank, located at 146-21 Jamaica Avenue (Block 9676, Lot 37) as a historic landmark, Council District no. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 283

By Council Member Comrie:

Application no. 20115291 HKQ (N 110137 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2404) by the Landmarks Preservation Commission of The Queens General Court House, located at 88-11 Sutphin Boulevard (Block 9691, Lot 1) as a historic landmark, Council District no. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 284

By Council Member Comrie:

Application no. 20115293 HKQ (N 110138 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2394) by the Landmarks Preservation Commission of Grace Episcopal Church, located at 155-24 90th Avenue (Block 9754, Lot 7) as a historic landmark, Council District no. 24.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 285

By Council Member Comrie:

Application no. 20115292 HKQ (N 110139 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.434, LP-2348) by the Landmarks Preservation Commission of the Ridgewood South Historic District, Council District no. 34.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 286

By Council Member Comrie:

Application no. C 080293 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 No. 11a, eliminating within an

existing R6B District a C1-2 District and establishing within an R6B District a C2-2 District, Council District no. 19.

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:

Thursday, January 6, 2011

Committee on TRANSPORTATION10:00 A.M. Oversight - Falsified MTA Signal Inspection Reports – Was the MTA Asleep at the Switch? Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Committee on CONSUMER AFFAIRS 1:00 P.M. Oversight - DCA’s Enforcement of Supermarket Regulations Committee Room – 250 Broadway, 16th Floor Daniel Garodnick, Chairperson

Monday, January 10, 2011

★ Note Time and Location Change ★★ Note Deferred Committee ★★★ Note Committee Addition Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the Committee on FIRE AND CRIMINAL JUSTICE SERVICES and Committee on PUBLIC SAFETY and ★★ Committee on TRANSPORTATION ★★★ Committee on OVERSIGHT AND INVESTIGATIONS..... ★ 11:00 A.M. Oversight – The December Blizzard of 2010: Evaluating the City’s response ★ Emigrant Savings Bank ~ 49-51 Chambers Street Letitia James, Chairperson Elizabeth Crowley, Chairperson Peter Vallone, Chairperson ★★ James Vacca, Chairperson ★★★ Jumaane Williams, Chairperson

Tuesday, January 11, 2011

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Available Thursday, January 6, 2011 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M. See Land Use Calendar Available Thursday, January 6, 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, January 6, 2011 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, January 12, 2011

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 FloorLeroy Comrie, Chairperson

Committee on **SMALL BUSINESS** jointly with the
Committee on **COMMUNITY DEVELOPMENT** and
Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
Oversight - When Wal-Mart Comes to Town: The Effect on Small Businesses and
Communities: A Historical and Prospective View
Emigrant Savings Bank ~ 49-51 Chambers Street Diana Reyna, Chairperson
..... Albert Vann, Chairperson
..... Karen Koslowitz, Chairperson

Thursday, January 13, 2011

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
Int 379 - By Council Members Vacca, Brewer, Cabrera, Chin, Comrie, Dromm,
Fidler, Gennaro, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Williams,
Foster, Garodnick, Greenfield, Nelson, Rodriguez, James, Crowley, Halloran and
Ulrich - **A Local Law** to amend the administrative code of the city of New York, in
relation to the denial of building permits to property owners with outstanding
charges owed to the city of New York.
Committee Room – 250 Broadway, 14th Floor Erik Martin-Dilan, Chairperson

Friday, January 14, 2011

Committee on **TRANSPORTATION** **10:00 A.M.**
Oversight - Evaluating the MTA's response to the December Blizzard of 2010
Committee Room – 250 Broadway, 14th Floor James Vacca, Chairperson

Monday, January 17, 2011

Martin Luther King Jr.
Holiday Observed

Tuesday, January 18, 2011

★ Addition
Stated Council Meeting *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*
Location ~ *Emigrant Savings Bank ~ 49-51 Chambers Street*.....

★ Deferred
Committee on **CONTRACTS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Darlene Mealy, Chairperson

★ Deferred
Committee on **YOUTH SERVICES** **1:00 P.M.**
Oversight – Young Fatherhood Initiatives
Committee Room – 250 Broadway, 14th Floor Lewis A. Fidler, Chairperson

Wednesday, January 19, 2011

★ Deferred
Stated Council Meeting *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*
Location ~ *Emigrant Savings Bank – 49-51 Chambers Street*.....

Whereupon on motion of the Speaker (Council Member Quinn), the President
Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again
for the Stated Meeting on Tuesday, January 18, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 343-A, 396-A, 428-A, and 257-A, all
adopted at the December 8, 2010 Stated Council Meeting, were signed by the Mayor
into law on December 20, 2010, with the final assigned Local Law numbers being,
respectively, Local Law Nos. 1, 2, 3, and 4 of 2011.*

