

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, MAY 26, 2011

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Thursday, May 26, 2011, 1:45 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Cabrera, Ferreras, Foster, Lappin, Mealy, Seabrook, and Vallone, Jr..

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 44 Council Members present on May 26, 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.

INVOCATION

The Invocation was delivered by Minister Kwame Assante, Home of the Lord Church, 415 Atlantic Avenue, Brooklyn, N.Y. 11217.

Let us look to the Lord, please.

This is the day that the Lord has made,
and pray God we can rejoice and be glad in it.
So we ask Father God
that You would consecrate us now to Thy service, Lord,
by the power of grace divine.
Also let our souls look up with a steadfast hope
and our will be lost in Thine.
Lord, we pray and ask
your choicest blessings upon these proceedings,
because we know that when the people are blessed,
You are blessed,
in Jesus' name, Amen.

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

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Errol Wilson, 59, an eighteen-year NYC Department of Transportation worker, was killed in an accident while conducting road work on the Cross Island Parkway near Northern Boulevard in Queens. He is survived by his wife Valerie and their children, Errol, Jr. and Tanya.

A 22 year old Marine in town for Fleet Week, Corporal Steven Jorgensen of Missoula, Montana, was killed in the early morning hours of May 26, 2011 after leaving a cab and being struck by a vehicle on the West Side Highway. He was on his way back to his ship, the *USS Iwo Jima* when the accident occurred.

The Speaker (Council Member Quinn) also offered thoughts and prayers to all those affected by the damage and death caused by the tornadoes and storms that struck the United States in the spring of 2011. The Speaker (Council Member Quinn) particularly mentioned the devastation caused in the city of Joplin, Missouri.

ADOPTION OF MINUTES

At this point, the Speaker (Council Member Quinn) moved that the Minutes of the Stated Meeting of April 28, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-508

Communication from the Mayor - Submitting the name of LaShann M. DeArcy Hall to the Council for its advice and consent regarding her appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 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.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-509

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license 7 Star Car & Limousine Inc. D/b/a Dial 7 Car & Limousine Service, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

May 20, 2011

The Honorable Speaker Christine C. Quinn
 Attention: Mr. Gary Altman
 Council of the City of New York
 250 Broadway, 15th Floor
 New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on May 19, 2011 the Taxi & Limousine Commission voted to approve the following for-hire-vehicle base license applications:

NEW (3):	LICENSE #	COUNCIL DISTRICT
7 Star Car & Limousine Inc. D/b/a Dial 7 Car & Limousine Service	B02465	26
Jupiter Car Service Corp.	B02450	38
New Neighbor Car & Limo. Services D/b/a Neighbor Car &	B02450	26
RENEWAL (14):	LICENSE #	COUNCIL DISTRICT
A.M.N. Management Inc. D/b/a Always Ready Car Service	B01420	30
Classic Car Service Corp. D/b/a Paisa Classic	B01381	22
Delancey Car Service Inc. D/b/a Delancey Car Service	B00225	1
Diplo Radio Dispatch Inc.	B01196	14
Early Bird Car Service Inc.	B00485	28
J.J.S. Transportation Co. Inc. D/b/a Grant City Car Service	B01379	50
Kew Gardens Enterprises Inc.	B00337	29
Lakeview Cars Inc. D/b/a Clove Lake Cars	B01268	49
Metro Car Service Corp. D/b/a Metroline Car Service	B01534	34
New American Car & Limousine Service	B01057	39
Old Town Cars Corp. D/b/a Delta Cars, Inc.	B01808	49
Shamrock Dispatch Inc. D/b/a Kelly's Private Car Service	B00171	19
Vee Cee Limousine Service, Inc. D/b/a Nostrand Car Service	B00281	46
Victory Car & Limo Service Inc.	B01642	43
RENEWAL, OWNERSHIP CHANGE & NAME CHANGE(2):	LICENSE #	COUNCIL DISTRICT
Matamoros Car Service Inc.	B02279	49

Mega Radio Dispatcher Inc.	B01468	17
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The complete application package compiled for each of the above bases is available for your review upon request.

If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele
 Assistant Commissioner
 Licensing & Standards
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-510

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Jupiter Car Service Corp., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-511

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license New Neighbor Car & Limo. Services D/b/a Neighbor Car & Limo. Service, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-512

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license A.M.N. Management Inc. D/b/a Always Ready Car Service, Council District 30, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-513

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Classic Car Service Corp. D/b/a Paisa Classic, Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-514

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Delancey Car Service Inc. D/b/a Delancey Car Service, Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-515

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Diplo Radio Dispatch Inc., Council District 14, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-516

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Early Bird Car Service Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-517

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license J.J.S. Transportation Co. Inc. D/b/a Grant City Car Service, Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-518

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Kew Gardens

Enterprises Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-519

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lakeview Cars Inc. D/b/a Clove Lake Cars, Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-520

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Metro Car Service Corp. D/b/a Metroline Car Service, Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-521

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New American Car & Limousine Service, Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-522

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Old Town Cars Corp. D/b/a Delta Cars, Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-523

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Shamrock Dispatch Inc. D/b/a Kelly's Private Car Service, Council District 19, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-524

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Vee Cee Limousine Service, Inc. D/b/a Nostrand Car Service, Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-525

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Victory Car & Limo Service Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-526

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Matamoros Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-527

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Mega Radio Dispatcher Inc., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-509 printed above in this Communications from City, County & Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-528

By Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application nos. C 110031 ZSQ and shall be subject to Council review. These items are related to Uniform Land Use Procedure Application no. C 110166 ZMQ.

Coupled on Call – Up Vote

M-529

By Council Member Fidler:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 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/enclosed sidewalk café located at 3202 Emmons Avenue, Community Board 15, Application 20115564 TCK shall be subject to review by the Council.

Coupled on Call – Up Vote

M-530

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 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/enclosed sidewalk café located at 210 Avenue A, Community Board 3, Application 20115563 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, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **44**.

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.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Rights

Report for Int. No. 363-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the commission on human rights to educate the public on various types of bias-related harassment.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4338), respectfully

REPORTS:

I. Introduction

On Wednesday, May 25, 2011, the Committee on Civil Rights, chaired by Council Member Deborah Rose, will vote on Proposed Introduction Number 363-A (“Proposed Int. No. 363-A”), a Local Law to amend the administrative code of the city of New York, in relation to requiring the commission on human rights to educate the public on various types of bias-related harassment. The Committee previously held a hearing, with the Committee on Youth Services, on Introduction Number 363 (“Int. No. 363”) on May 9, 2011.

II. Overview of the Commission on Human Rights

New York City’s Human Rights Law (“Human Rights Law”) prohibits discrimination in employment, housing, and public accommodations on the basis of age, race, creed, color, national origin, gender, disability, marital status, partnership status, and sexual orientation.¹ The Human Rights Law also prohibits retaliation and bias related harassment.² The New York City Commission on Human Rights (“Commission”) was established to enforce the Human Rights Law.³

The Commission’s purpose is to foster mutual understanding and respect among New Yorkers, as well as to encourage equality and prevent discrimination against any group.⁴ The New York City Charter (“Charter”) requires the Commission to work with Federal, State and City agencies in order to develop programs that will allow for “harmonious intergroup relations within the city of New York, and engage in other anti-discrimination activities.”⁵ The Commission is further required to work with organizations in “programs and campaigns devoted to eliminating group prejudice, intolerance, hate crimes, bigotry and discrimination.”⁶

The Commission currently offers educational, training and advocacy services in each of the five boroughs.⁷ The Commission also works in schools to educate students on conflict resolution, sexual harassment and the Human Rights Law.⁸ The Commission investigates incidents of bias related harassment or conduct that is motivated by a victim’s age, race, creed, color, national origin, gender, disability, marital status, partnership status, and sexual orientation.⁹ Harassment or conduct motivated by bias includes “a pattern of threatening verbal harassment, the use of force, intimidation or coercion, or defacing or damaging real or personal property.”¹⁰

III. Cyberbullying

Usage of online technologies is high among youth, with approximately 93 percent of people between the ages 12 to 17 using the internet and approximately three-quarters possessing their own mobile phone.¹¹ The increased access to online technologies has ushered into the digital age a new form of technologically-enhanced bullying, known as cyberbullying. Cyberbullying is defined by the Cyberbullying Research Center as “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices.”¹² According to the United State Department of Health and Human Services, “electronic aggression” can take place through such mediums as “email, a chat room, instant messaging, a website (including blogs), text messaging, or videos or pictures posted on websites or sent through phones” and can include “teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors, or making threatening or aggressive comments.”¹³ Though the intent behind all forms of bullying may be the same, cyberbullying can be especially harmful to the mental well-being of the victim because the anonymous nature of the internet cloaks both the identity of the aggressor and the number of aggressors, and allows multiple parties to witness the harassment as the episode is spread virally online.¹⁴

While all adolescents are at risk of cyberbullying, mental health professionals believe that certain characteristic make individuals more vulnerable to such harassment than others. The American Psychological Association has stated that “children and youth with disabilities and children and youth who are lesbian, gay or trans-gender, or who are perceived to be so may be at particularly high risk of

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¹ See Administrative Code of the City of New York §8-107(1)-(5).

² New York City Commission on Human Rights, *2010 Annual Report*, 3, available at <http://www.nyc.gov/html/cchr/pdf/annual10.pdf> (last visited May 6, 2011).

³ NYC Charter § 902(b).

⁴ NYC Charter §904(a), (b).

⁵ NYC Charter §905(a).

⁶ NYC Charter §905(b).

⁷ See generally, *supra* note 2, at 8.

⁸ *Id.*

⁹ New York City Commission on Human Rights, *Bias-Related Harassment*, at <http://www.nyc.gov/html/cchr/html/bias.html> (last visited May 5, 2011).

¹⁰ *Id.*

¹¹ Kristen Purcell and Kimberlee Salmond, *Trends in Teen Communication and Social Media Use: What’s Really Going on Here?*, Girl Scout Research Institute/Pew Research Center’s Internet & American Life Project, Presentation, Feb. 9, 2011, at http://www.pewinternet.org/Presentations/2011/Feb/~media/Files/Presentations/2011/Feb/Pew%20Internet_Girl%20Scout%20Webinar%20PDF.pdf (last visited May 6, 2011).

¹² Sameer Hinduja and Justin W. Patchin, *Cyberbullying – Identification, Prevention and Response*, Cyberbullying Research Center, available at http://www.cyberbullying.us/Cyberbullying_Identification_Prevention_Response_Fact_Sheet.pdf (last visited May 6, 2011).

¹³ U.S. Dep’t of Health and Human Services, Centers for Disease Control and Prevention, *Electronic Media and Youth Violence: A CDC Issue Brief for Researchers*, 3 (2009).

¹⁴ *Supra* note 12.

being bullied by their peers.”¹⁵ Studies have shown that special education students,¹⁶ LGBTQ students, and LGBTQ allies report high rates of cyberbullying.¹⁷

A considerable body of research has been conducted on traditional bullying¹⁸ and public education campaigns have long informed parents and children of the negative effects of such bullying. It is only recently that cyberbullying began to receive attention due, in part, to several high-profile suicides in 2010 that followed such harassment.¹⁹ Int. No. 363 would require the Commission to educate the public on various types of bias-related harassment including cyberbullying.

IV. Testimony on Int. No. 363

On May 9, 2011, the Committee on Civil Rights and the Committee on Youth Services held a joint hearing on Int. No. 363. In its testimony, the Commission expressed concern over Int. No. 363, saying that, “mandating the particular topics the Commission must cover in [its] education programs would have the unintended consequence of limiting the operational flexibility and timeliness of the Commission’s responsibility to monitor and address issues as they present themselves.”²⁰ The Commission also said that its flexibility to address new issues “would be hampered by [the] proposed legislation.”²¹ The amended version of the legislation takes the Commission’s concerns into account by only amending the Administrative Code, thereby ensuring that the Commission has the room to educate the public on new issues as they arise.

Parry Aftab, an expert on cyberbullying, testified in favor of the bill, but recommended that it include a definition of the term “cyberbullying” in order to provide guidance on how the word should be used.²² In response to this recommendation, the amended bill includes a definition of cyberbullying.

IV. Analysis

If enacted, Proposed Int. No. 363-A would require the Commission to work together with federal, state, and city agencies in developing courses of instruction for presentation to city employees, and for presentation in public and private schools, public libraries, museums and other suitable places, on types of bias related harassment and repeated hostile behavior including conduct or verbal threats, taunting, intimidation, abuse, and cyberbullying.

V. Effective Date

This local law would take effect sixty days after enactment into law.

(The following is the text of the Fiscal Impact Statement for Int. No. 363-A:)

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¹⁵ American Psychological Association, *Resolution on Bullying Among Children and Youth*, July 2004, at <http://www.apa.org/about/governance/council/policy/bullying.pdf> (last visited May 2, 2011).

¹⁶ R. Didden et al., *Cyberbullying among students with intellectual and developmental disability in special education settings*, June 2009, <http://www.ncbi.nlm.nih.gov/pubmed/1946622> (last visited May 3, 2011).

¹⁷ Iowa State University, *ISU researchers public national study on cyberbullying of LGBY and allied youths*, <http://www.news.iastate.edu/news/2010/mar/cyberbullying> (last visited May 3, 2011).

¹⁸ Sameer Hinduja & Justin W. Patchin, *Bullying, Cyberbullying, and Suicide*, (2010) Vol. 14 Issue 3, Archives of Suicide Research, 206, http://www.touro.edu/EDGRAD/EAC/docs/Hinduja_Article_2010.pdf (last visited May 2, 2011). (Traditional bullying can include physical violence, verbal violence, and subtle manipulative acts by one person or groups carried out repeatedly and involving a power differential.)

¹⁹ Christine S. Moyer, *Cyberbullying a high-tech health risk for young patients*, American Medical News, Nov. 15, 2010, at <http://www.ama-assn.org/amednews/2010/11/15/pr121115.htm>.

²⁰ Written testimony of Lee Hudson, Deputy Commissioner for Public Affairs, New York City Commission on Human Rights, before the Committees on Civil Rights and Youth Services, 3 (May 9, 2011) (on file with Committee on Civil Rights).

²¹ *Id.*

²² Int. No. 363, A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the commission on human rights to educate the public on various types of bias-related harassment, before the Committees on Civil Rights and Youth Services, 73-74 (May 9, 2011) (testimony of Parry Aftab, Esq., Executive Director and Founder of WiredSafety, Teenangels and StopCyberbullying.org).



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO. 363-A
COMMITTEE: Civil Rights

TITLE: To amend the administrative code of the City of New York, in relation to requiring the Commission on Human Rights to educate the public on various types of bias-related harassment.

SPONSORS: Fidler, Weprin, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Gennaro, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Palma, Recchia, Rodriguez, Rose, Sanders Jr., Van Bramer, Williams Mendez, Crowley, Nelson and Mark-Viverito

SUMMARY OF LEGISLATION: This legislation would require the Commission on Human Rights to develop courses of instruction to educate the public on various types of bias-related harassment. Courses would be targeted to City employees, public and private schools, public libraries, museums and other suitable places. Training topics would include techniques for achieving harmonious intergroup relations within the City of New York, and education on types of bias-related harassment and repeated hostile behavior including conduct or verbal threats, taunting, intimidation, abuse, and cyber-bullying, and to engage in other anti-discrimination activities.

EFFECTIVE DATE: This local law shall take effect sixty days after its enactment into law.

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

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	De minimus	De minimus	De minimus
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There may be minimal expenditures for training materials, by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Pakhi Sengupta, Principal Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Introduced as Intro. 363 by the Council on October 13, 2010 and referred to the Committee on Civil Rights. On May 9, 2011 Intro 363 was considered by the Committee and laid over. On May 25, 2011, an amended version, Proposed Intro 363-A will be considered by the Committee and by the full Council on May 26th.

DATE SUBMITTED TO COUNCIL: OCTOBER 13, 2010

Intro 363-A

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Reports of the Committee on Finance

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

Report for L.U. No. 393

Report of the Committee on Finance in favor of approving Kingsbridge Court, Block 3248, Lot 150, Bronx, Council District No. 14.

The Committee on Finance, to which the annexed Land Use resolution was referred on May 26, 2011, respectfully

REPORTS:

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

May 26, 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 May 26, 2011-Resolution approving tax exemptions for two preconsidered Land Use Items (Council District's 8, 14, 17).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: South Bronx Community Management Company in Councilmember's Arroyo and Viverito's districts and Kingsbridge Court located in Council Member Cabrera's District.

South Bronx Community Management Company Project consist of 47 buildings that provides 1,220 units of rental housing for persons of low income. The sponsors will consist of three separate Housing Development Fund Corporations (HDFCs) which include Quadrant Properties HDFC, Union-Southern HDFC and Hoe-Longwood Housing HDFC. The sponsors will finance the acquisition of this property with a private bank loan and subsidies from HPD. The sponsor will also enter into a 40-year regulatory agreement with HPD that stipulates affordability levels for all units. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption that is coterminous with the 40-year term of the HPD regulatory agreement.

Kingsbridge Court contains one building that provides 97 units of rental housing for persons of low income. The sponsor, Kingsbridge Court Housing Development Fund Company, will finance the acquisition of this property with HDC and HPD loans as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption that is coterminous with the 32-year term of the HPD regulatory agreement.

These items have the approval of Council Members Arroyo, Cabrera, and Viverito

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

Res. No. 851

Resolution approving an exemption from real property taxes for property located at (Block 3248, Lot 150), Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 393)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 27, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 3248, Lot 150), Bronx ("Exemption Area"):

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 363-A:)

Int. No. 363-A

By Council Members Fidler, Weprin, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Gennaro, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Palma, Recchia, Rodriguez, Rose, Sanders, Van Bramer, Williams, Mendez, Crowley, Nelson, Mark-Viverito, Jackson, Vacca, Wills, Eugene, Garodnick, Greenfield and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commission on human rights to educate the public on various types of bias-related harassment.

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law 10 of 2008, is amended by adding a new subdivision 26 to read as follows:

(26) The term "cyberbullying" means willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices that is intended to frighten, harass, cause harm to, extort, or otherwise target another.

§2. Subdivision one of section 8-105 of the administrative code of the city of New York, as amended by local law 39 of 1991, is amended to read as follows:

(1) To work together with federal, state, and city agencies in developing courses of instruction, for presentation to city employees and in public and private schools, public libraries, museums and other suitable places, on techniques for achieving harmonious intergroup relations within the city of New York, on types of bias-related harassment and repeated hostile behavior including conduct or verbal threats, taunting, intimidation, abuse, and cyberbullying, and to engage in other anti-discrimination activities.

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

DEBORAH L. ROSE, Chairperson; JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER, Committee on Civil Rights, May 25, 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).

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

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

WHEREAS, the Council held a hearing on the Project on May 26, 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.

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

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

- (a) "Effective Date" shall mean the earlier of (i) the date that the Owner enters into the HPD Regulatory Agreement, or (ii) the date that the Owner enters into the HDC 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 the Bronx, City and State of New York, identified as Block 3248, Lot 150 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date of the expiration or termination of the HDC Regulatory Agreement, (iv) 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, or (v) the date of the expiration or termination of the Project's Section 8 Housing Assistance Payments Contract.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HPD 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.
- (g) "HDC" shall mean the New York City Housing Development Corporation.
- (h) "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, at least ninety percent (90%) of dwelling units in the Exemption Area at the time of initial occupancy and all dwelling units upon vacancy must be rented to families whose incomes do not exceed 60% of area median income.
- (i) "HDFC" shall mean Kingsbridge Court Housing Development Fund Corporation.
- (j) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (k) "Partnership" shall mean Kingsbridge Court Owners LLC.
- (l) "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.

(m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

- 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 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 HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the HDC Regulatory Agreement, (iv) 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 (v) 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 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.
 - (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.
- 6. 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, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 26, 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. 394

Report of the Committee on Finance in favor of approving South Bronx Community Management Project, Council Districts 8 and 17.

The Committee on Finance, to which the annexed Land Use resolution was referred on May 26, 2011, respectfully

REPORTS:

(For text of memo, please see the Report of the Committee on Finance for LU No. 393 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 852

Resolution approving an exemption from real property taxes for property located at (Block 2284 Lot 62, Block 2285 Lot 60, Block 2301 Lot 2, Block 2397, Lots 1, 3, 6, 7 and 9, Block 2398 Lots 8 and 9, Block 2403 Lot 35, Block 2411 Lot 45, 2550 Lots 8, 10, 38 and 44, Block 2551 Lot 45, Block 2554 Lot 44, Block 2557 Lot 46, Block 2566 Lot 5, Block 2568 Lot 60, Block 2603 Lots 20, 22, 26, 30, 150, 161, 165 and 208, Block 2617 Lot 14, Block 2629 Lot 13, Block 2630 Lot 51, Block 2636 Lots 38 and 39, Block 2674 Lot 21, Block 2683 Lot 39, Block 2684 Lot 76, Block 2708 Lot 1, Block 2712 Lot 28, Block 2721 Lot 41, Block 2746 Lots 7 and 15) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 394)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 9, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2284 Lot 62, Block 2285 Lot 60, Block 2301 Lot 2, Block 2397, Lots 1, 3, 6, 7 and 9, Block 2398 Lots 8 and 9, Block 2403 Lot 35, Block 2411 Lot 45, 2550 Lots 8, 10, 38 and 44, Block 2551 Lot 45, Block 2554 Lot 44, Block 2557 Lot 46, Block 2566 Lot 5, Block 2568 Lot 60, Block 2603 Lots 20, 22, 26, 30, 150, 161, 165 and 208, Block 2617 Lot 14, Block 2629 Lot 13, Block 2630 Lot 51, Block 2636 Lots 38 and 39, Block 2674 Lot 21, Block 2683 Lot 39, Block 2684 Lot 76, Block 2708 Lot 1, Block 2712 Lot 28, Block 2721 Lot 41, Block 2746 Lots 7 and 15) Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on May 26, 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.

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 later of (i) the date of conveyance of the Exemption Area from the Original HDFC to the New HDFC's, and (ii) the date that HPD and the New HDFC's enter into the New Regulatory Agreement, except that with respect only to Block 2712, Lot 28, the Effective Date shall mean the date HPD and the Original HDFC enter into the New Regulatory Agreement.

"Effective Date" for the properties listed in Exhibit B 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 the Bronx, City and State of New York, identified as Block 2284, Lot 62, Block 2285, Lot 60, Block 2301, Lot 2, Block 2397, Lots 1, 3, 6, 7 & 9, Block 2398, Lots 8 & 9, Block 2403, Lot 35, Block 2411, Lot 45, Block 2550, Lots 8, 10, 38 & 44, Block 2551, Lot 45, Block 2554, Lot 44, Block 2557, Lot 46, Block 2566, Lot 5, Block 2568, Lot 60, Block 2603, Lots 20, 22, 26, 30, 150, 161, 165 & 208, Block 2617, Lot 14, Block 2629, Lot 13, Block 2630, Lot 51, Block 2636, Lots 38 & 39, Block 2674, Lot

21, Block 2683, Lot 39, Block 2684, Lot 76, Block 2708, Lot 1, Block 2712, Lot 28, Block 2721, Lot 41, and Block 2746, Lots 7 & 15 on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (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, or, with respect only to Block 2683, Lot 39, (iv) a date which is the same Expiration Date as applies to Block 2674, Lot 21.

- (e) "New HDFC's" shall mean Quadrant Properties Housing Development Fund Corporation, Union-Southern Housing Development Fund Corporation, and Hoe-Longwood Housing Development Fund Corporation.

- (f) "Original HDFC" shall mean collectively the housing development fund corporations listed in Exhibits A and B.

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

- (h) "Owner" shall mean Sponsor or any future owner of the Exemption Area.

- (i) "New Regulatory Agreement" shall mean the regulatory agreement between HPD and the New HDFC's, 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 (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the 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's, or the Original HDFC with respect to Block 2712, Lot, 28, 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, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, May 26, 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 Fire and Criminal Justice Services

Report for Int. No. 450-A

Report of the Committee on Fire and Criminal Justice Services in favor of approving and adopting, as amended, a Local Law in relation to increasing the maximum age for qualifying membership in the fire department for certain persons.

The Committee on Fire and Criminal Justice Services, to which the annexed amended proposed local law was referred on December 20, 2010 (Minutes, page 5262), respectfully

REPORTS:

I. INTRODUCTION

On May 26, 2011, the Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley, will vote on Proposed Int. No. 450-A, a Local Law in relation to increasing the maximum age for qualifying for membership in the fire department for certain persons. The Committee first considered this bill at a hearing on May 25, 2011.

II. BACKGROUND

Since February of 1999 the New York City Department of Citywide Administrative Services (“DCAS”) has administered three different open competitive examinations for the position of firefighter. Exam Number 7029 was first administered on February 27, 1999, Exam Number 2043 was first administered on December 14, 2002 and Exam Number 6019 first administered on January 20, 2007.¹ These three exams were accompanied by promotional exams, usually administered on the same day and always consisting of the same questions, but limited to candidates eligible for promotion as spelled out in the Notice of Examination (“NOE”).² The promotional exams were numbered 7514, 0532, and 6506, respectively. On occasion there is an intermittent promotional exam such as the one administered on March 5, 2005 numbered 4532.³ On January 20, 2007, 22,056 individuals took Exam Number 6019 and 215 individuals took Promotional Exam 6506, of whom, 220 and 88 were appointed to the fire department, respectively. These individuals represent the only class from these exams to enter the fire academy since the eligible period for those exams began on June 11, 2008.⁴

By way of comparison, approximately 2,434 individuals were appointed to the fire department from Exam Number 2043 during the four year period that the list was open. The eligible lists derived from these exams are generally active for a four year period.⁵ However, those who were engaged in military duty as defined in New York State Military Law Section 243 and placed on a special eligible military list remain eligible for a period of two years from the date that they leave military duty.⁶ DCAS has indicated there are 24 individuals on the Special Military Eligible list from Exam 2043, 8 from Exam 6019 and 1 from Exam 6506.⁷ The eligible list for Exam 7029 expired on November 15, 2004 and there is no indication there are any individuals from that list that remain on a Special Military Eligible list.

The above-mentioned competitive exams were preceded by the issuance of a Notice of Examinations (“NOE”) that included age requirement provisions that stated, “Pursuant to Section 54 of the New York Civil Service Law and Section 15-103 of the Administrative Code, you must be at least 17½ years of age by the end of the application period and you must not have reached your 29th birthday by the beginning of the application period to be eligible to take this examination. However, you must have reached your 21st birthday to be eligible for appointment.⁸” The NOEs also included an exception to the age requirement that stated, “All persons who were engaged in military duty as defined in Section 243 of the New York State Military Law may deduct from their actual age the length of time spent in such military duty up to a maximum deduction of six years.⁹”

In July 2009, a federal district court held that New York City’s use of Exam Numbers 7029 and 2043 constituted disparate-impact discrimination in violation of Title VII of the Civil Rights Act of 1964.¹⁰ In January 2010, the court held that the City’s use of exams with such disparate impact and “little relation to the job of firefighter” constituted “a pattern, practice, and policy of intentional discrimination” in violation of the Fourteenth Amendment, Title VII, 42 U.S.C. section 1981, and the New York State and City Human Rights Laws.¹¹ On August 4, 2010 the court found that the City’s use of Exam 6019 disparately impacted black and Hispanic applicants for the position of entry level firefighter and failed to test for relevant job skills, in violation of Title VII, and issued a temporary injunction against the use of the Exam 6019 eligible list.¹² In October 2010, the court permanently enjoined the City from hiring firefighters based on the results of Exam 6019, except under one of the interim hiring methods endorsed by the court in a previous order.¹³ The City has, to date, chosen not to pursue any of those methods.

III. ANALYSIS OF PROPOSED INT. NO. 450-A

Proposed Int. No. 450-A is unconsolidated. Section 1 states that notwithstanding any inconsistent provisions of section 15-103 of the administrative code, no person shall be disqualified from membership in the fire department on the basis of exceeding the otherwise applicable maximum age requirement under limited circumstances. The bill temporarily increases the maximum age for filing an application to take the exam for firefighter for certain groups. Currently and historically, individuals who have passed their 29th birthday at the time of filing their application to take the exam for firefighter are ineligible to take the exam. This bill will temporarily increase the maximum filing age to include those applicants that have not passed their 36th birthday at the time of filing their new application. However, the extension will only be available for certain individuals who have been affected by pending litigation and only for the next open competitive exam or promotion exam. Covered individuals are those who (i) could not be appointed from an eligible list for the position of firefighter, including but not limited to a special military eligible list, established before the effective date of this local law because such list could not be used in whole or in part by the fire department due to litigation or (ii) took a civil service examination for the position of firefighter in the five years preceding the effective date of this local law. Section 1 of the bill concludes by providing that no person who qualifies under this local law shall be disqualified from membership in the department on the basis of exceeding such maximum age requirement because of having passed his or her thirty-sixth birthday subsequent to the filing of his or her application.

¹ Correspondence from FDNY staff to Fire and Criminal Justice Services staff, on file with the Committee, May 16, 2011. A single exam can be administered more than one time.

² Id.

³ Id.

⁴ Correspondence between Administration staff and Committee staff on file with the FCJS Committee, May 24, 2011; see also http://www.nyc.gov/html/fdny/html/community/ff_updates_080106.shtml.

⁵ Supra, note 1.

⁶ See New York State Military Law Section 243(7).

⁷ Correspondence between DCAS staff and Committee staff on file with the FCJS Committee, May 24, 2011.

⁸ See Notices Of Exam on file with the FCJS Committee.

⁹ Id. See also N.Y. Military Law § 10-a (authorizing deduction of up to six years of military service when computing the age of a candidate or eligible).

¹⁰ See *United States v. City of New York*, 637 F. Supp. 2d 77 (E.D.N.Y. 2009)..

¹¹ See *United States v. City of New York*, 683 F. Supp. 2d 225, 273 (E.D.N.Y. 2010).

¹² See *United States v. City of New York*, 731 F. Supp. 2d 291 (E.D.N.Y. 2010).

¹³ See *United States v. City of New York*, 2010 U.S. Dist. LEXIS 111064 (E.D.N.Y. Oct. 19, 2010).

(The following is the text of the Fiscal Impact Statement for Int. No. 450-A):



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO. 450-A
 COMMITTEE: Fire & Criminal Justice Services

TITLE: A Local Law in relation to increasing the maximum age for qualifying for membership in the fire department for certain persons.

SPONSORS: By Council Members Vallone Jr., Williams, Oddo, Crowley, Arroyo, Brewer, Cabrera, Dromm, Fidler, Gentile, Jackson, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Nelson, Palma, Recchia Jr., Rodriguez, Vacca, Vann, Lappin, Garodnick, Van Bramer, Halloran III, Koo and Ulrich.

SUMMARY OF LEGISLATION: Currently, people who have passed their 29th birthday at the time of filing their application are ineligible to take the firefighter exam. This bill would temporarily increase the maximum filing age to include those under thirty-six years of age. This extension would only be available for certain individuals who have been affected by pending litigation; it would only be valid for the next open competitive exam or promotional exam, for those eligible to take such promotional exam.

The individuals to whom Proposed Intro. 450-A would apply include those that:

- (i) could not be appointed from an eligible list for the position of firefighter, including but not limited to a special military eligible list, established before the effective date of this local law because such list could not be used in whole or in part by the fire department due to litigation or
- (ii) took a civil service examination for the position of firefighter in the five years preceding the effective date of this local law.

No person who qualifies under this local law would be disqualified from membership in the department on the basis of exceeding such maximum age requirement because of having passed his or her thirty-sixth birthday subsequent to the filing of his or her application.

EFFECTIVE DATE: This local law would take effect immediately.

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 revenues for the City except for possible additional exam fees. The collection of such fees would have a neutral impact on the City's overall finances as such fees would be directly offset by the costs of processing the applications and administering the exams.

IMPACT ON EXPENDITURES: There would be no discernable impact on expenditures as a result of this legislation. It would give a relatively large number of individuals the opportunity to sit for the next open competitive or promotional firefighter exam that would otherwise not have the ability to do so due to age restrictions. The number of such individuals who might avail themselves of this opportunity is unknown and is likely to be limited for a variety of reasons, including the likelihood that many of these individuals are otherwise employed or unwilling to take the exam again. Even if a substantial number do take the exam, and thus increase the number of overall test takers, the \$30 application fee for these additional test takers will cover any marginal cost increases for the City agency responsible for processing the applications and administering the exams, the Department of Citywide Administrative Services. The legislation would be neutral to the Fire Department's budget as the Department will hire the same number of individuals regardless of any increase in the size of the application or test taking pools.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division, Mayor's Office of City Legislative Affairs, Department of Citywide Administrative Services, Fire Department

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

HISTORY: This legislation was introduced to the full Council on December 20, 2010 as Int. 450 and referred to the Committee on Fire and Criminal Justice Services. On May 25, 2011, the Committee held a hearing on an amended version of the bill, Proposed Int. 450-A, and the bill was laid over. Proposed Intro. 450-A, will be considered by the Committee on May 26, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 450-A:)

Int. No. 450-A

By Council Members Vallone, Jr., Williams, Oddo, Crowley, Arroyo, Brewer, Cabrera, Dromm, Fidler, Gentile, Jackson, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Vacca, Vann, Lappin, Garodnick, Van Bramer, Weprin, Eugene, Dilan, Gonzalez, Chin, Greenfield, Mark-Viverito, Reyna, Rose, Wills, Halloran, Koo and Ulrich.

A Local Law in relation to increasing the maximum age for qualifying for membership in the fire department for certain persons.

Be it enacted by the Council as follows:

Section 1. Notwithstanding any inconsistent provision of section 15-103 of the administrative code of the city of New York, no person shall be disqualified from membership in the fire department on the basis of exceeding the otherwise

applicable maximum age requirement for the first open competitive examination for firefighter, or the first promotion examination for firefighter in the case of persons eligible to take such examination, given after the effective date of this local law if he or she has not passed his or her thirty-sixth birthday on the date of filing his or her application for the first open competitive examination for firefighter, or the first promotion examination for firefighter in the case of persons eligible to take such examination, given after the effective date of this local law and he or she either (i) could not be appointed from an eligible list for the position of firefighter, including but not limited to a special military eligible list, established before the effective date of this local law because such list could not be used in whole or in part by the fire department due to litigation or (ii) took a civil service examination for the position of firefighter in the five years preceding the effective date of this local law. No person who qualifies under this local law shall be disqualified from membership in the department on the basis of exceeding such maximum age requirement because of having passed his or her thirty-sixth birthday subsequent to the filing of his or her application.

§ 2. This local law shall take effect immediately.

ELIZABETH CROWLEY, Chairperson; VINCENT M. GENTILE, ROSIE MENDEZ, MATHIEU EUGENE, YDANIS RODRIGUEZ, DANIEL J. HALLORAN, Committee on Fire and Criminal Justice Services, May 26, 2011.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 450-A:)

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

In relation to increasing the maximum age for qualifying for membership in the fire department for certain persons.

Given under my hand and seal this 26th day of May, 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 General Welfare

Report for Int. No. 444-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the Mayor's Office of Operations to report data regarding utilization of and applications for citywide temporary emergency housing and associated services.

The Committee on General Welfare, to which the annexed amended proposed local law was referred on December 8, 2010 (Minutes, page 5099), respectfully

REPORTS:

On May 25, 2011, the Committee on General Welfare, chaired by Council Member Annabel Palma, will meet to consider Proposed Int. No. 444-A, which would amend the administrative code of the City of New York to require the Mayor's Office of Operations to report data regarding applications for and the utilization of temporary emergency housing and associated services.

BACKGROUND

In New York City, various agencies administer facilities that provide services, including temporary emergency housing, to individuals and families who need assistance finding or maintaining stable housing or who do not have a place to sleep overnight. While the Department of Homeless Services (DHS) administers the majority of these types of facilities, the Human Resources Administration (HRA), the Department of Housing Preservation and Development (HPD), and the Department of Youth and Community Development (DYCD), also provide assistance to those who need of temporary emergency housing and associated services. DHS regularly reports information, much of which is accessible on its website, related to the utilization of the facilities under its purview, but does not include information about facilities that are managed by HRA, HPD, or DYCD. As such, Proposed Int. No. 444-A requires all four of these agencies to routinely report certain data, in order to more accurately determine the extent of the need for temporary emergency housing and associated services in the City.

The General Welfare Committee considered the original version of the bill, Int. No. 444, at a hearing on December 9, 2010. At the hearing, DHS Commissioner Seth Diamond testified that the proposed legislation was unnecessary because DHS “is among the most transparent of all City agencies” and currently reports “more than 300 data points.”¹ Commissioner Diamond specifically pointed out that, in addition to the daily census report that the agency publishes on its website, DHS regularly provides reports to the Council about: the numbers of homeless families and their length of stay in shelters; funding that DHS provides to individuals and families whose section 8 federal housing subsidies were revoked at the end of 2009; and, as DHS is required to do pursuant to local law, data regarding items such as hotline statistics, housing placements, length of stay, and transitional housing. Moreover, DHS publishes the Critical Activities Report (CAR) on its website, which “reflects a vast number of indicators including population, length of stay, housing placements, facility operation, safety and cleanliness among others.”² In response to a question about how often DHS provides data, Commissioner Diamond clarified that “different reports have different frequencies.”³ Some reports provide information daily, while others are monthly or quarterly.⁴

At the hearing, Council Member Annabel Palma, Chair of the General Welfare Committee, questioned the accuracy of DHS’ reports, specifically because DHS does not count certain populations as part of its daily census, despite the fact that they utilize DHS facilities and are provided a place to stay overnight.⁵ For example, DHS includes neither the number of veterans who access temporary emergency housing in its daily census, nor the number of people who sleep in Safe Haven beds, which are for the street homeless population.⁶ Commissioner Diamond responded that DHS provides this data on different parts of its website, and that “it would be ineffective to lump everyone together,” because different programs serve different types of populations, so it is clearer to publish the numbers separately.⁷ He continued by saying that DHS “keep[s] the numbers separate precisely so you can see, because not . . . all the populations are not the same. . . . The shelter census is people who come in, that what most New Yorkers think of people who are homeless, people who come in through the main intake process that we offer.”⁸ Moreover, according to the Commissioner, someone seeking an overall number can add up the figures that DHS makes available in different places on its website.⁹ Chair Palma noted, however, that although the needs of each population may be different, all of them are still homeless, “regardless of whether they’re considered a single adult, a female adult, a family, a veteran, they’re in an HPD shelter, or stabilization bed . . . regardless of what population that we categorize them in”¹⁰ and that DHS’ current method of reporting seems to skew the numbers.¹¹

A representative from the Coalition for the Homeless, Patrick Markee, testified in support of Int. No. 444 at the hearing, with certain recommended changes. He noted that DHS’s daily reports are not archived, making past reports inaccessible, and that the census number on DHS’ home page does not account for many people who are sleeping in facilities that are administered by DHS. According to Mr. Markee, there is no published number to account for New Yorkers who access temporary emergency housing administered by other city agencies, including domestic violence survivors in the domestic violence shelter system, and homeless individuals and families living with HIV/AIDS, both of whom are served by HRA, as well as youth who are in shelters administered by DYCD and people in HPD shelters who need emergency housing because of an emergency such as a fire, flood or vacate order.¹²

ANALYSIS

Proposed Int. No. 444-A is an amended version of Int. No. 444, which applied only to DHS and HPD facilities and proposed to alter the way DHS provides information on the home page of its website. Int. 444 codified the production of a daily census report and required a weekly report that disaggregates the numbers of people accessing shelter according to all shelter types. Int. 444 required DHS to include in the daily census figures the number of individuals who spent the previous night in: HPD facilities; overnight accommodations; the Prevention Assistance and Temporary Housing (“PATH”) office; drop-in centers; faith-based facilities; safe haven facilities; stabilization beds; and in short-term veterans housing.

Proposed Int. No. 444-A broadens the scope of Int. No. 444 by requiring the Mayor’s Office of Operations to establish a portal on the NYCStat page of the City’s website and to publish data regarding the utilization of facilities that provide temporary emergency housing and associated services to individuals and families, including those administered by DHS, DYCD, HPD, and HRA. The legislation is not meant to require reports of homeless prevention services, such as anti-eviction services that some of the agencies provide. Rather, the goal of the legislation is to accurately determine the extent of the need for both (i) temporary emergency housing and (ii) services associated with the provision of temporary housing.

Under Proposed Int. No. 444-A, beginning November 1, 2011, and then each month, calendar year, and fiscal year thereafter, the Mayor’s Office of Operations would be required to publish the average daily overnight census and number of unduplicated persons utilizing a facility, disaggregated by the type of facility and the agency that administers it, as well as by population (i.e. adults or children, individuals or families, women or men). Under the proposed legislation, the Mayor’s Office of Operations would not be required to report unduplicated numbers for DHS drop-in centers or faith-based facilities. In addition, rather than reporting an average daily overnight census, DYCD-administered facilities would report average monthly utilization rates, as well as the number of individuals who are on wait-lists. Proposed Int. No. 444-A would also require the Mayor’s Office of Operations to report the average length of stay, disaggregated by the type of facility (excluding DHS drop-in centers, DHS faith-based beds, and DYCD-administered drop-in centers) and by population. The report would also be required to include the total number of facilities, broken down by those that DHS administers and those it does not.

Proposed Int. No. 444-A would also require reporting of certain information related to families (who apply for DHS shelter) and singles (who do not have to apply to enter the shelter system) who seek admission to DHS-administered facilities. Specifically, the Mayor’s Office of Operations would report, on a monthly, calendar year, and fiscal year basis, the total number of applications, unduplicated applicants, applicants found eligible for shelter, entrants to DHS-administered facilities, and unduplicated entrants to DHS-administered facilities, disaggregated by population. The proposed legislation would also require the publication of the number of families with children who were found eligible for city-administered facilities, and the percentage who submitted one or more applications (up to six applications). Similarly, the legislation would require reports of the number of adult families found eligible for city-administered facilities, and the percentage who submitted one more applications (up to six applications).

EFFECTIVE DATE

Proposed Int. No. 444-A would become effective immediately.

¹ Testimony of DHS Commissioner Seth Diamond before the Committee on General Welfare, December 9, 2010; *see also* Transcript of Hearing before the Committee on General Welfare, December 9, 2010, at 110, 114.

² Diamond Testimony, *supra* note 1; *see also* Hearing Transcript, *supra* note 1, at 111. It should be noted that information in the CAR is not current; presently the last data reported is for the month of December 2010. Department of Homeless Services, Critical Activities Report, Available at <http://www.nyc.gov/html/dhs/html/about/car.shtml> (Accessed on May 24, 2011)

³ Diamond Testimony, *supra* note 1, at 118.

⁴ *Id.*

⁵ *Id.* at 112-116.

⁶ *Id.* at 112-13.

⁷ *Id.* at 113.

⁸ *Id.* at 115-16.

⁹ *Id.* at 114-16.

¹⁰ *Id.* at 114-15.

¹¹ *Id.* at 116.

¹² *Id.* at 160-62.

(The following is the text of the Fiscal Impact Statement for Int. No. 444-A:)



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

INTRO. NO. 444-A

COMMITTEE: General Welfare

TITLE: To amend the administrative code of the city of New York, in relation to requiring the Mayor's Office of Operations to report data regarding utilization of and applications for citywide temporary emergency housing and associated services.

SPONSORS: Council Members Palma, Arroyo, Cabrera, Dromm, Ferreras, Fidler, Foster, Jackson, James, Koppell, Lander, Levin, Sander Jr., Van Bramer, Williams, Mealy, Wills, Brewer, Recchia Jr., Gennaro, Weprin, Barron, Mendez, Mark-Viverito, and Vacca

SUMMARY OF LEGISLATION: Many city agencies administer facilities that provide services, including temporary places to stay, for families and individuals who do not have anywhere to stay overnight or who need assistance finding or maintaining stable housing.

The Department of Homeless Services ("DHS") administers the majority of homeless facilities and DHS regularly reports on the utilization of the facilities in its purview. However, it does not report on the utilization of facilities administered by other city agencies, such as the Department of Housing Preservation and Development (HPD), the Human Resources Administration (HRA) and the Department of Youth and Community Development (DYCD).

Not having regular data concerning the number of people who utilize such facilities and who are being served by agencies other than DHS can result in the significant undercounting of the number of people in New York City who need temporary emergency housing and those who utilize associated services. In order to accurately determine the extent of the need for temporary emergency housing and associated services in the city, the Council finds that all agencies that provide such housing and services must routinely report the number of individuals and/or families who utilize such facilities.

EFFECTIVE DATE: This local law shall take effect immediately.

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

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: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: Agencies should be able to capture required data under this local law with existing resources and staff. Therefore, it is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

Intro 444-A

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SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crystal Coston, Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: This introduction was referred to the Committee on General Welfare on December 9, 2010. Proposed Intro. 444-A will be considered by the Committee on May 25, 2011.

Date Submitted to Council: May 25, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 444-A:)

Int. No. 444-A

By Council Members Palma, Arroyo, Cabrera, Chin, Dromm, Ferreras, Fidler, Foster, Jackson, James, Koppell, Lander, Levin, Sanders, Van Bramer, Williams, Mealy, Wills, Brewer, Recchia, Gennaro, Weprin, Barron, Mendez, Mark-Viverito, Vacca, Rodriguez, Greenfield and Reyna.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Mayor's Office of Operations to report data regarding utilization of and applications for citywide temporary emergency housing and associated services.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. Many city agencies administer facilities that provide services, including temporary places to stay, for families and individuals who do not have anywhere to stay overnight or who need assistance finding or maintaining stable housing. While the Department of Homeless Services ("DHS") administers the majority of these facilities and DHS regularly reports on the utilization of the services in its purview, it does not report on those administered by other city agencies, such as the Department of Housing Preservation and Development, the Human Resources Administration and the Department of Youth and Community Development. Not having regular data concerning the number of

people who utilize such facilities and who are being served by agencies other than DHS can result in the significant undercounting of the number of people in New York City who need temporary emergency housing and those who utilize associated services. In order to accurately determine the extent of the need for temporary emergency housing and associated services in the city, the Council finds that all agencies that provide such housing and services must routinely report the number of individuals and/or families who utilize such facilities.

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

- (1) "Adult" shall mean an individual 18 years of age or older;
- (2) "Adult families" shall mean families comprised of adults and no children under the age of 18;
- (3) "Children" shall mean individuals under the age of 18;
- (4) "City-administered facilities" shall mean hotels, shelters and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing;
- (5) "DHS" shall mean the department of homeless services;
- (6) "DHS-administered facilities" shall mean city-administered facilities managed directly by DHS or by a provider under contract or similar agreement with DHS;
- (7) "DHS drop-in centers" shall mean city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing;
- (8) "DHS faith-based beds" shall mean city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS;
- (9) "DHS safe havens" shall mean city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;
- (10) "DHS stabilization beds" shall mean city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option;
- (11) "DHS veterans shelters" shall mean city-administered facilities that provide short-term housing for people who actively served in the United States military;
- (12) "DYCD" shall mean the department of youth and community development;
- (13) "DYCD-administered crisis shelters" shall mean city-administered facilities that provide short-term emergency housing for runaway and homeless youth and are managed by a provider under contract or similar agreement with DYCD;
- (14) "DYCD-administered drop-in centers" shall mean city-administered facilities that provide runaway and homeless youth and their families with services, counseling and referrals from trained youth workers;
- (15) "DYCD-administered facilities" shall mean city-administered facilities managed by a provider under contract or similar agreement with DYCD;
- (16) "DYCD-administered transitional independent living facilities" shall mean city-administered facilities that provide long-term residential services to runaway and homeless youth for up to 18 months and are managed by a provider under contract or similar agreement with DYCD;
- (17) "Families with children" shall mean families with children under the age of 18, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;
- (18) "HPD" shall mean the department of housing preservation and development;
- (19) "HPD-administered facilities" shall mean city-administered facilities managed by a provider under contract or similar agreement with HPD;
- (20) "HPD emergency facilities" shall mean shelters providing emergency shelter managed by a provider under contract or similar agreement with HPD;
- (21) "HPD emergency hotels" shall mean hotels providing emergency shelter to individuals or families displaced from their homes managed by a provider under contract or similar agreement with HPD;
- (22) "HRA" shall mean the human resources administration;
- (23) "HRA-administered facilities" shall mean city-administered facilities managed directly by HRA or by a provider under contract or similar agreement with HRA, excluding non-emergency supportive housing;
- (24) "HRA domestic violence shelters" shall mean shelters for victims of domestic violence managed directly by HRA or by a provider under contract or similar agreement with HRA;
- (25) "HRA HASA emergency housing" shall mean single room occupancy hotels managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration;

(26) “HRA HASA transitional housing” shall mean congregate facilities managed by a provider under contract or similar agreement with HRA to provide emergency shelter for recipients of services from the HIV/AIDS Services Administration; and; and

(27) “Unduplicated” shall mean counted only once within the reporting period.

b. Reports of citywide utilization data. The mayor’s office of operations shall create a portal on the NYCStat page of the city’s website, or any successor pages of such website that are substantially similar in form and function, in order to publish citywide data regarding the utilization of city-administered facilities. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor’s office of operations shall for each month, calendar year and fiscal year publish via such portal the:

(1) average daily overnight census for each of the following categories:

A. DHS drop-in centers, disaggregated by single men, single women and total single adults; and

B. DHS faith-based facilities, disaggregated by single men, single women and total single adults.

(2) average daily overnight census; and (3) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

C. all DHS-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

D. DHS safe havens, disaggregated by single men, single women and total single adults;

E. DHS stabilization beds, disaggregated by single men, single women and total single adults;

F. DHS veterans shelters, disaggregated by single men, single women and total single adults;

G. HPD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

H. HPD emergency facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

I. HPD emergency hotels, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

J. HRA-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

K. HRA domestic violence shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

L. HRA HASA emergency housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

M. HRA HASA transitional housing, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

N. all city-administered facilities, excluding DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(4) average monthly utilization rates; and (5) number of unduplicated persons or families utilizing city-administered facilities for each of the following categories:

A. DYCD-administered facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults ;

B. DYCD-administered crisis shelters, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults;

C. DYCD- administered drop-in centers, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults; and

D. DYCD-administered transitional independent living facilities, disaggregated by families with children, adult families, total families, total adults in families, total children, single men, single women and total single adults.

(6) the number of individuals who are on wait-lists for DYCD-administered facilities, to the extent such wait-lists exist, disaggregated by:

A. type of DYCD-administered facility; and

B. families with children, adult families, total families, single men, single women, and total single adults.

(7) the average length of stay disaggregated by:

A. families with children, adult families, total families, single men, single women, and total single adults;

B. type of DHS-administered facility, excluding DHS drop-in centers and DHS faith-based beds;

C. type of DYCD-administered facility, excluding DYCD-administered drop-in centers;

D. type of HPD-administered facility; and

E. type of HRA-administered facility.

(8) the total number of facilities, disaggregated by DHS-administered facilities and facilities not administered by DHS.

c. Application and entrance data. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor’s office of operations shall for each month, calendar year and fiscal year publish in the same location on the NYCStat website as the data posted pursuant to subdivision b of this section, the following data for those seeking admission and entrance to DHS-administered facilities: (1) the total number of:

A. applications;

B. unduplicated applicants;

C. applicants found eligible for shelter;

D. entrants to DHS administered facilities; and

E. unduplicated entrants to DHS-administered facilities.

The data required by subparagraphs A, B, C, D and E of this paragraph shall be disaggregated by families with children, adult families, total families, single men, single women, and total single adults;

(2) the number of families with children found eligible for city-administered facilities;

(3) the percentage of eligible families with children who submitted one application;

(4) the percentage of eligible families with children who submitted two applications;

(5) the percentage of eligible families with children who submitted three applications;

(6) the percentage of eligible families with children who submitted four applications;

(7) the percentage of eligible families with children who submitted five applications;

(8) the percentage of eligible families with children who submitted six applications or more;

(9) the number of adult families found eligible for city-administered facilities;

(10) the percentage of eligible adult families who submitted one application;

(11) the percentage of eligible adult families who submitted two applications;

(12) the percentage of eligible adult families who submitted three applications;

(13) the percentage of eligible adult families who submitted four applications;

(14) the percentage of eligible adult families who submitted five applications;

and

(15) the percentage of eligible adult families who submitted six applications or more.

d. The data required to be published in subdivisions b and c above shall be published electronically on the portal specified in subdivision b in a commonly available non-proprietary database format that is suitable for analysis.

§3. This local law shall take effect immediately.

ANNABEL PALMA, Chairperson; GALE A. BREWER, MARIA DEL CARMEN ARROYO, YDANIS RODREIGUEZ, STEPHEN T. LEVIN, JAMES G. VAN BRAMER, RUBEN WILLS, Committee on General Welfare, May 25, 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 Res. No. 813

Report of the Committee on Housing and Buildings in favor of approving a Resolution (1) to permit Mutual Redevelopment Houses, Inc. (Housing Company) to impose an annual capital assessment, beginning on June 1, 2011, of \$204.00 per room per year payable in equal monthly installments of \$17.00 in each year of the ten (10) year period from June 1, 2011 through May 31, 2021, to be used for capital improvements, including the Housing Company’s HVAC replacement project; (2) to permit the Housing Company to impose a fifteen percent increase in carrying charges in future years, in appropriate amounts as and when needed to meet increases in operating expenses, in consultation with the New York City Department of Housing Preservation and Development (HPD); (3) to approve a Sixth Amending Agreement to the Contract between the City of New York and the Housing Company which (i) modifies the real estate tax exemption language to provide additional tax exemption for eight additional years; (ii) modifies the language with regard to income eligibility requirements at the time of admission, (iii) modifies the language with regard to division of surcharge revenue, (iv) modifies the language permitting

tenant/cooperators to finance the purchase of the Housing Company's stock allocated to their apartments, and (v) adds a new provision expanding the Housing Company's right to future development of portions of its property, thereby providing funding for major capital projects and sustaining affordability; (4) to authorize the Mayor or any Deputy Mayor or the Commissioner of the New York City Department of Housing Preservation and Development to execute the Sixth Amendatory Agreement when approved as to form by the Corporation Counsel and directs the City Clerk to attest to the same and to affix the seal of the City thereto; and (5) to permit the Housing Company to modify its existing program of imposing a capital assessment to be paid by sellers on the sale of shares of apartments.

The Committee on Housing and Buildings, to which the annexed resolution was referred on May 11, 2011 (Minutes, page 1493), respectfully

REPORTS:

BACKGROUND AND INTENT:

On May 26, 2011, the Committee on Housing and Buildings chaired by Council Member Erik Martin-Dilan, will conduct a hearing on Resolution No. 813, which concerns the housing development known as the Mutual Redevelopment Houses, Inc. (also known as Penn South or Housing Company). Penn South is a Redevelopment Company organized under Article 5 of the New York State Private Housing Finance Law (PHFL) and supervised by the New York City Department of Housing Preservation and Development (HPD). In accordance with the PHFL §101, a redevelopment company exists to encourage the investment of funds in the public interest to provide for the clearance, replanning, reconstruction, and neighborhood rehabilitation of substandard housing to protect the financial stability of the City.

The original contract between Penn South and the City was entered into on March 25, 1959, but the construction of Penn South was not completed until 1962. This original contract expired in 1987. Upon its expiration, Penn South entered into an Amendatory Agreement (Agreement) with the City dated July 1, 1987, whereby Penn South agreed to continue as a limited equity not-for-profit housing cooperative for an additional twenty-five years. This new Agreement also provided for a gradual phase-in of real estate taxes over this twenty-five year period and placed income and other restrictions on Penn South similar to the restrictions applicable by statute to Mitchell-Lama developments (PHFL §2). In 1989, Penn South was granted permission, by resolution of the Board of Estimate, to increase carrying charges up to 15%, of which 9% was imposed by June of 1998. In 1990, the First Amendatory Agreement was made to clarify that garage space used by residents of Penn South remained exempt from taxation.

With the dissolution of the Board of Estimate in 1990, jurisdiction over matters pertaining to Penn South passed to the City Council. In 1991, the City Council approved a request by the Board of Directors of Penn South, (Penn South Board), to (1) extend to individuals and couples awaiting admission existing provisions permitting waiting list families of three or more with incomes up to twenty-five percent above the prescribed limit to occupy an apartment, provided they pay a surcharge; and (2) impose a one-time carrying charge increase of \$100 per room.

On October 25, 1995, the City Council approved a request by the Penn South Board to further amend the Agreement. This Second Amendatory Agreement authorized Penn South to: (1) allow admissions of households with incomes up to fifty percent above the maximum income as stipulated in the contract to take occupancy in the development, provided such households paid a surcharge; (2) permit two-person households consisting of a parent and any child, legal guardian, or ward to be permitted to occupy a two bedroom apartment; (3) expand occupancy and succession standards to reflect standards utilized in other developments; (4) remove the then-current twelve-year contractual exclusion for J-51 benefits; and (5) impose a \$15 per room per month carrying charge increase for thirty-six months, effective retroactively from July 1, 1995. This carrying charge increase was to be used to fund part of the costs of replacing all of the windows in Penn South and was to be applied to each cooperator's equity in his or her individual apartment.

On April 20, 1998, the Penn South Board passed a resolution providing for the imposition of a 10% increase in carrying charges. As the Penn South Board was only authorized to impose the remaining 6% increase in carrying charges authorized by the 1989 Board of Estimate resolution, the Penn South Board requested that the City Council approve an additional 4% increase, so that Penn South could impose the 10% carrying charge increase beginning July 1, 1998. The City Council approved this request on June 24, 1998. The increase was to be offset by a partial decrease of \$15 per room, which had been imposed for 36 months beginning July 1, 1995 under the 1995 amendment to the Agreement. Furthermore, according to the Penn South Board, the 10% increase in carrying charges was to be divided, with 8% for operating expenses and 2% for a reserve for capital improvements, and would result in an increase in the maximum average carrying charges from \$110.00 per room to \$121.00 per room, excluding utilities. At that time, the Penn South Board

requested and received authorization to impose an additional 11% increase in carrying charges in future years, as the Penn South Board deemed necessary.

In August 2001, the City Council approved Resolution No. 2044 authorizing a Third Amendatory Agreement between the City and Penn South, which extended the tax exemption granted by the City to the Housing Company through June 30, 2022. Resolution No. 2044 and the Third Amendatory Agreement also provided for a tax exemption, such that the amount of taxes to be paid by the Mutual Redevelopment Houses, Inc. would be equal to the greater of i) ten percent of the annual rent or carrying charges of the development less utilities or ii) \$3,477,099, which were the taxes paid by the development in Fiscal 2001. This exemption, which is modeled on the exemption granted to Mitchell-Lama cooperatives, serves to insulate the development from severe tax increases based on escalating assessments or increases in the tax rate.

In June 2005, the City Council approved Resolution No. 1006-A, which permitted the Mutual Redevelopment Houses, Inc. to impose a five percent increase in carrying charges beginning July 1, 2005, to meet increased operating expenses, especially those relating to fuel and energy. Resolution No. 1006-A also permitted the Housing Company to impose an additional fifteen percent increase in carrying charges in future years, in appropriate amounts as and when needed to meet further increases in operating expenses, in consultation with HPD. Additionally, Resolution No. 1006-A authorized executing a Fourth Amendatory Agreement to the Contract between the City of New York and the Housing Company which:

- (i) Modified the language with regard to succession and occupancy rights in the Housing Company by modifying paragraphs 210 and 208(a) of the Contract, in place of the Fourth Amendatory Agreement that was previously approved by the Council on June 12, 2003 but not implemented by the Housing Company; and
- (ii) Modified paragraph 301 of the Contract to provide the Housing Company with the authority to impose future increases in carrying charges for utility, fuel and energy costs based on actual costs incurred, with the permission of HPD pursuant to section 3-11(a) of HPD's rules, but without the need for approval from the City Council.

The Resolution also authorized the Mayor or any Deputy Mayor or the Commissioner of HPD to execute the Fourth Amendatory Agreement when approved as to form by the Corporation Counsel and directed the City Clerk to attest to the same and to affix the seal of the City thereto.

Finally, Resolution No. 1006-A permitted the Housing Company to create a program to impose a one-time capital assessment to be paid by purchasers on the first sale of shares of each apartment after the effective date of such program. Since the one-time capital assessment approved in the Fourth Amendatory Agreement doubled the equity required of a new purchaser, the Housing Company, in light of such one-time capital assessments, sought to facilitate the purchase of apartments at Penn South by low- and moderate- income New Yorkers and to keep the Housing Company's affordable cooperative housing available to them, by making it feasible for would-be purchasers of such apartments to obtain loans from institutional lenders to finance the additional equity required to be paid by such purchasers and to secure such loans by granting security interests in their stock and occupancy agreements that represent their ownership of their apartments to lenders approved by the Housing Company in accordance with guidelines set forth in the proposed Fifth Amendatory Agreement.

In December 2005, the City Council approved Resolution No. 1266, which approved a Fifth Amendatory Agreement to the Contract between the City of New York and Mutual Redevelopment Houses, Inc. Res. No. 1266 and the Fifth Amendatory Agreement, revised the Contract so as to permit secured loans to finance purchases of stock in the Housing Company and occupancy agreements, representing ownership of cooperative apartments at the Housing Company; and added a provision to the Contract pertaining to procedures for evictions, so as to enable lenders to commence legal proceedings to evict tenant/cooperator-borrowers who default on their loans secured by such stock and occupancy agreement (proprietary leases).

Resolution No. 1266 and the Fifth Amendatory Agreement also revised Subparagraph (a) of Paragraph 209 of such Contract to permit secured loans to finance purchases by qualified applicants of stock and occupancy agreements, representing ownership interests in cooperative apartments at Penn South, in accordance with guidelines that were to be subject to revision with the written permission of HPD and the approval of the Council. Finally, Resolution No. 1266 modified the Contract, with respect to procedures for eviction from Penn South, so as to permit lenders of defaulted borrowers to commence such legal proceedings, in the case of loans approved in accordance with the guidelines provided for in the contract without requiring HPD's approval.

Resolution No. 813

During today's hearing, the Committee will consider Resolution No. 813 which would approve a Sixth Amendatory Agreement to the Contract between the City of New York and Mutual Redevelopment Houses, Inc. Resolution No. 813 would also authorize the Mayor or any Deputy Mayor or the Commissioner of HPD to execute the Sixth Amendatory Agreement when approved as to form by the Corporation Counsel and directs the City Clerk to attest to the same and to affix the seal of the City thereto.

Resolution No. 813 states that the Housing Company is seeking permission to impose an annual capital assessment, beginning on June 1, 2011, of \$204.00 per room per year payable in equal monthly installments of \$17.00 per month in each year of the ten (10) year period from June 1, 2011 through May 31, 2021. This

assessment would be used for capital improvements, including the Housing Company's HVAC replacement project, and to permit the Housing Company to impose a fifteen percent increase in carrying charges in future years, in appropriate amounts as and when the Board determines it is needed to meet increases in operating expenses, in consultation with HPD.

Resolution No. 813 also authorizes the execution of a Sixth Amendatory Agreement to: modify real estate tax exemption language to provide additional tax exemption for eight additional years;¹ modify the language with regard to income eligibility requirements at the time of admission; modify the language with regard to division of surcharge revenue;² modify the language permitting tenant/cooperators to finance the purchase of the Housing Company's stock allocated to their apartments. Additionally, the Sixth Amendatory Agreement would add a new provision expanding the Housing Company's right to future development of portions of its property, thereby providing the potential for funding major capital projects and sustaining affordability and would permit the Housing Company to modify its existing program of imposing a capital assessment to be paid by sellers on the sale of shares of apartments.

¹This extension of the Housing Company's tax exemption will not have an immediate fiscal impact to the City as it will commence on July 1, 2022 and terminate on June 30, 2030.

²The new division of surcharge revenue by stipulates that an amount equal to 30 percent of the City's Surcharge Revenue will be paid annually to an operating reserve fund that will be used in connection with the Housing Company's replacement of the HVAC system and to offset maintenance increases and unexpected operating increases. The funds that the Housing Company will keep will maintain will be held in its operating reserve and released by the City's Housing Development Corporation (HDC) as needed to pay the costs of the HVAC system, pursuant to terms of an agreement between HDC and the Housing Company. The remaining 70 percent of the City's surcharge revenue will be paid annually to the City.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 813:)

Res. No. 813

Resolution (1) to permit Mutual Redevelopment Houses, Inc. (Housing Company) to impose an annual capital assessment, beginning on June 1, 2011, of \$204.00 per room per year payable in equal monthly installments of \$17.00 in each year of the ten (10) year period from June 1, 2011 through May 31, 2021, to be used for capital improvements, including the Housing Company's HVAC replacement project; (2) to permit the Housing Company to impose a fifteen percent increase in carrying charges in future years, in appropriate amounts as and when needed to meet increases in operating expenses, in consultation with the New York City Department of Housing Preservation and Development (HPD); (3) to approve a Sixth Amendatory Agreement to the Contract between the City of New York and the Housing Company which (i) modifies the real estate tax exemption language to provide additional tax exemption for eight additional years; (ii) modifies the language with regard to income eligibility requirements at the time of admission, (iii) modifies the language with regard to division of surcharge revenue, (iv) modifies the language permitting tenant/cooperators to finance the purchase of the Housing Company's stock allocated to their apartments, and (v) adds a new provision expanding the Housing Company's right to future development of portions of its property, thereby providing funding for major capital projects and sustaining affordability; (4) to authorize the Mayor or any Deputy Mayor or the Commissioner of the New York City Department of Housing Preservation and Development to execute the Sixth Amendatory Agreement when approved as to form by the Corporation Counsel and directs the City Clerk to attest to the same and to affix the seal of the City thereto; and (5) to permit the Housing Company to modify its existing program of imposing a capital assessment to be paid by sellers on the sale of shares of apartments.

By the Speaker (Council Member Quinn) and Council Members Dromm, Koslowitz, Gennaro, Lander and Williams.

Whereas, Mutual Redevelopment Houses, Inc. (also known as "Penn South" or "Housing Company") is a redevelopment company organized under Article 5 of the Private Housing Finance Law ("PHFL"); and

Whereas, The PHFL requires a contract between the municipality and the Housing Company; and

Whereas, In 1962, the City of New York and the Housing Company entered into a contract under which the Housing Company agreed to operate as a limited equity, non-profit housing cooperative for twenty-five years; and

Whereas, On July 1, 1987 this original contract expired and an amendatory contract (the "Contract") was approved by the Board of Estimate, which Contract extends to June 30, 2022; and

Whereas, The Contract and the PHFL require the Housing Company to apply to the Council of the City of New York, which has assumed jurisdiction over these

matters due to the dissolution of the Board of Estimate, for authorization to increase carrying charges, to impose capital assessments and to amend the Contract; and

Whereas, The City Council has previously approved applications by the Housing Company for increases in carrying charges, the imposition of capital assessments for capital improvements and amendments to the Contract; and

Whereas, The Housing Company is seeking (1) permission to impose an annual capital assessment, beginning on June 1, 2011, of \$204.00 per room per year payable in equal monthly installments of \$17.00 in each year of the ten (10) year period from June 1, 2011 through May 31, 2021, to be used for capital improvements, including the Housing Company's HVAC Replacement Project, and (2) the authority to impose up to a fifteen percent increase in carrying charges in future years, in consultation with the New York City Department of Housing Preservation and Development ("HPD"), in appropriate amounts as and when needed to meet increases in operating expenses; and

Whereas, In addition, the Housing Company is seeking permission to amend its Contract, pursuant to a Sixth Amendatory Agreement, to modify the language with regard to (1) additional real property tax exemption for the period July 1, 2022 through June 30, 2030, by modifying Section 105 of the Contract, (2) income eligibility requirements at the time of admission by modifying Section 203(a) of the Contract, (3) division of surcharge revenue by modifying Section 206 of the Contract, (4) the guidelines for allowing tenant/cooperators to finance the purchase of their apartments by modifying Section 209(a)(iii)(B)(3) of the Contract and (5) future development of portions of the Housing Company's property by adding new Section 213 to the Contract; and

Whereas, The Housing Company also seeks to modify its existing program which imposes a capital assessment to be paid by sellers on the sale of apartments, by increasing such capital assessment on first sales made on or after September 1, 2011 from an amount equal to the equity to an amount equal to up to two times the equity as determined by the Housing Company's Board of Directors, subject to adjustment for any such capital assessment received for an apartment sold prior to September 1, 2011, the proceeds of which capital assessment will be placed in the Housing Company's replacement reserve and be used for capital improvement projects as approved by the Board of Directors of the Housing Company, including the Housing Company's HVAC Replacement Project; now, therefore, be it

Resolved, That the Council of the City of New York hereby (1) permits Mutual Redevelopment Houses, Inc. (Housing Company) to impose an annual capital assessment, beginning on June 1, 2011, of \$204.00 per room per year payable in equal monthly installments of \$17.00 in each year of the ten (10) year period from June 1, 2011 through May 31, 2021, to be used for capital improvements, including the Housing Company's HVAC Replacement Project; (2) permits the Housing Company to impose up to a fifteen percent increase in carrying charges in future years, in appropriate amounts as and when needed to meet increases in operating expenses, in consultation with the New York City Department of Housing Preservation and Development (HPD); (3) approves the Sixth Amendatory Agreement to the Contract between the City of New York and the Housing Company which (i) modifies the language with respect to real property tax exemption to grant additional exemption for eight years provided, however, that such additional exemption is contingent upon the enactment of an amendment to Section 125 of the Private Housing Finance Law authorizing such additional exemption by the New York State Legislature on or before June 30, 2016 and is in full force and effect on June 30, 2022; (ii) modifies the language with regard to income eligibility requirements at the time of admission, (iii) modifies the language with regard to division of surcharge revenue, (iv) modifies the guidelines allowing tenant/cooperators to finance the purchase of their apartments and (v) adds a new provision expanding the Housing Company's right to future development of portions of its property, thereby providing funding for major capital projects and sustaining affordability; (4) authorizes the Mayor or any Deputy Mayor or the HPD Commissioner to execute the Sixth Amendatory Agreement when approved as to form by the Corporation Counsel and directs the City Clerk to attest to the same and to affix the seal of the City thereto; and (5) permits the Housing Company to modify its existing program of imposing a capital assessment to be paid by sellers on the sales of apartments, by increasing such capital assessment on first sales made after September 1, 2011, from an amount equal to the equity to an amount equal to up to two times the equity as determined by the Housing Company's Board of Directors, subject to adjustment for any such capital assessment received for an apartment sold prior to September 1, 2011, the proceeds of which capital assessment will be placed in the Housing Company's replacement reserve and be used for capital improvement projects as approved by the Board of Directors of the Housing Company, including the Housing Company's HVAC Replacement Project.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, 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, May 26, 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 Land Use

Report for L.U. No. 314

Report of the Committee on Land Use in favor of approving Application no. 20115418 HAM, approval of a modification to a plan and project located at Block 1736/Lot 1, Council District no. 9, 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 February 2, 2011 (Minutes, page 291), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10 20115418 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 1736/Lot 1, Council District 9, Borough of Manhattan.

INTENT

To facilitate the construction of a new multiple family dwelling containing 71 units of housing for mixed income families.

PUBLIC HEARING

DATE: May 24, 2011

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

SUBCOMMITTEE RECOMMENDATION

DATE: May 24, 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
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: May 25, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Palma		
Arroyo		

Dickens
Garodnick
Mendez
Levin
Weprin
Ignizio
Halloran
Koo

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

Res. No. 845

Resolution approving a modification to a Plan and Project located at West 139th Street and Lenox Avenue (Block 1736, Lot 1); Borough of Manhattan (L.U. No. 314; 20115418 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 24, 2011 its request dated January 10, 2011 that the Council take the following actions regarding the following Project (the "New Project") located at West 139th Street and Lenox Avenue (Block 1736, Lot 1) (the "Development Parcel"), Community District 10, Council District 9, Borough of Manhattan:

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel, Block 1736/Lot 1 in part, from the Plan and Project;

WHEREAS, the original Plan and Project was approved by the Board of Estimate on October 9, 1980 (Cal. No. 11);

WHEREAS, upon due notice, the Council held a public hearing on the New Project on May 24, 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, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MANDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 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. 315

Report of the Committee on Land Use in favor of approving Application no. 20115419 HAM, approval of a conveyance from the current owner to the new owner for property located at Block 1736/part of Lot 1, Council District no. 9, 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 February 2, 2011 (Minutes, page 291), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20115419 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 1736/part of Lot 1, Council District 9, Borough of Manhattan.

INTENT

To facilitate the construction of a multiple dwelling with approximately 71 dwelling units and a superintendent's unit.

PUBLIC HEARING

DATE: May 24, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 24, 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.

In Favor:	Against:	Abstain:
Levin None	None	
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: May 25, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Mendez		
Levin		
Weprin		
Ignizio		
Halloran		
Koo		

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

Res. No. 846

Resolution approving a conveyance of property located at Block 1736, Lot 1 in part, Borough of Manhattan (L.U. No. 315; 20115419 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 24, 2011 its request dated January 11, 2011 that the Council take the following actions regarding the following Project (the "Project") Block 1736, Lot 1 in part (the "Conveyance Area"), for the conveyance of property, Community District 10, Council District 9, 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 May 24, 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 Harlen Housing Associates, L.P., a Redevelopment Company.

"New Owner" shall mean Harlen Park Development, LLC.

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, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MANDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 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. 390

Report of the Committee on Land Use in favor of approving Application no. 20105769 TCK, pursuant to §20-225 of the Administrative Code of the City of New York, concerning the petition of Fortunato Bros. Café & Bakery Corp., to continue to maintain and operate an enclosed sidewalk café located at 289 Manhattan Avenue, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-225(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 1526), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 20105769 TCK

Application pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Fortunato Bros. Café & Bakery Corp., d/b/a Fortunatos Café & Bakery, to continue to maintain and use an enclosed sidewalk café located at 289 Manhattan Avenue.

INTENT

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

PUBLIC HEARING

DATE: May 24, 2011

Witnesses in Favor: One
None
Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 24, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Seabrook		
Vann		
Garodnick		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: May 25, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Mendez		
Levin		
Weprin		
Ignizio		
Halloran		
Koo		

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

Res. No. 847

Resolution approving the petition for a revocable consent for an enclosed sidewalk café located at 289 Manhattan Avenue, Borough of Brooklyn (20105769 TCK; L.U. No. 390).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 28, 2011 its approval dated April 28, 2011 of the petition of Fortunato Bros. Café & Bakery Corp., d/b/a Fortunatos Café & Bakery, for a revocable consent to continue to maintain and use an enclosed sidewalk café located at 289 Manhattan Avenue, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-225(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 24, 2011; and

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

RESOLVED:

Pursuant to Section 20-225 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MANDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 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. 391

Report of the Committee on Land Use in favor of approving Application no. 20115504 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Bistro Shop Downtown LLC, d/b/a Lyon, to establish, maintain and operate an unenclosed sidewalk café located at 118 Greenwich 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 §20-225(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 1526), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20115504 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Bistro Shop Downtown LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 118 Greenwich Avenue.

INTENT

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

PUBLIC HEARING

DATE: May 24, 2011

Witnesses in Favor: One
None
Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 24, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Seabrook		
Vann		
Garodnick		
Vacca		
Ignizio		

COMMITTEE ACTION

DATE: May 25, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	
None		
Rivera		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Mendez		
Levin		
Weprin		
Ignizio		
Halloran		
Koo		

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

Res. No. 848

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 118 Greenwich Avenue, Borough of Manhattan (20115504 TCM; L.U. No. 391).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 25, 2011 its approval dated April 25, 2011 of the petition of Bistro Shop Downtown LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 118 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 24, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MANDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 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. 392

Report of the Committee on Land Use in favor of approving Application no. 20115751 HAK, an Urban Development Action Area Project located at 660 Jerome Street and 741 Barbey Street, Council District no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and pursuant to Section 422 of the Real Property Tax Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 2, 2011 (Minutes, page 1527), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
660 Jerome Street	4309/1	20115751 HAK	392	Section 202 Supportive Housing For The Elderly
741 Barbey Street	4309/46			
Brooklyn				

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 422 of the Real Property Tax Law.

PUBLIC HEARING

Date: May 24, 2011

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: May 24, 2011

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

In Favor:	Against:	Abstain:
Levin	None	None
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

Date: May 25, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Mendez		
Levin		
Weprin		
Ignizio		
Halloran		
Koo		

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

Res. No. 849

Resolution approving an Amended Urban Development Action Area Project located at 660 Jerome Street (Block 4309/Lot 1) and 741 Barbey Street (Block 4309/Lot 46), Borough of Brooklyn, and approving the urban development action area designation, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 392; 20115751 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 10, 2011 its request dated April 25, 2011 that the Council take the following actions regarding the following amended Urban Development Action Area Project (the "Project") located at 660 Jerome Street (Block 4309/Lot 1) and 741 Barbey Street (Block 4309/Lot 46), Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;

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

4. Approve 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 is related to C 090467 HAK (L.U. No. 1231, Resolution No. 2244 of 2009);

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 24, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on May 15, 2000 (CEQR No. 09HPD007K);

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

- a. All of the value of the property included in the housing project, including both Disposition Area and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project.
- b. All of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$36,717, which is ten percent (10%) of the annual shelter rent for the housing project, as

determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.

- d. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MANDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, May 25, 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 Rules, Privileges and Elections

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

Report for M-508

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of LaShann M. DeArcy-Hall as a member of the New York City Taxi and Limousine Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on May 26, 2011, respectfully

REPORTS:

New York City Taxi and Limousine Commission – (Candidate for appointment upon advice and consent review by the Council)

- **LaShann M. DeArcy-Hall [Preconsidered M-508]**

The New York City Taxi and Limousine Commission (“TLC”) was created pursuant to Local Law 12 of 1971. Section 2300 of Chapter 65 of the *New York City Charter* (“*Charter*”) states that there shall be a TLC, the purposes of which shall be, *inter alia*, the “continuance, further development and improvement of taxi and limousine service in the City. It shall be the further purpose of the [TLC], consonant with the promotion and protection of the public comfort and convenience, to adopt and establish an overall public transportation policy governing taxi, coach, limousine and wheelchair accessible van services as it relates to the overall public transportation network of the City.” The TLC is also responsible for establishing certain rates, standards and criteria for the licensing of vehicles, drivers and chauffeurs, owners and operators engaged in such services, and for providing “authorization” to persons to operate commuter van services within the City. [*Rules of the City of New York*, Title 35, § 9-02.]

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the New York City Council. Five of said members, one resident from each of the five boroughs of the City, are recommended for appointment by a majority vote of the Council Members of the respective borough. TLC members are appointed for terms of seven years, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur at the expiration of a term, shall be filled for the unexpired term. The Mayor may remove any such member for cause, upon stated charges.

The Mayor designates one member of the TLC to act as the Chairperson and Chief Executive Officer. The Chairperson shall have charge of the organization of his/her office and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and, as such, receive compensation as set by the Mayor. The Chair currently receives \$192,198.00 annually. Other members of the TLC are not entitled to compensation.

Pursuant to the *Charter*, all proceedings of the TLC and all documents and records in its possession shall be public records and the TLC shall make an annual report to the City Council on or before the second Monday of January in each year.

If appointed, Ms. DeArcy, a Manhattan resident, will replace Jeffrey Kay and be eligible to complete the remainder of a seven-year term that expires on January 31, 2012. Copies of Ms. DeArcy’s resumé and the proposed Committee report/resolution are annexed to this briefing paper.

The Committee on Rules, Privileges and Elections respectfully reports:

(After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of nominee LaShann M. DeArcy-Hall)

Pursuant to §§ 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of LaShann M. DeArcy-Hall as a member of the New York City Taxi and Limousine Commission to serve for the remainder of a seven-year term expiring on January 31, 2012.

The matter was referred to the Committee on May 26, 2011

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

Res. No. 850

Resolution approving the appointment by the Mayor of LaShann M. DeArcy-Hall as a member of the New York City Taxi and Limousine Commission.

By Council Member Rivera

RESOLVED, that pursuant to §§ 31 and 2301 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of LaShann M. DeArcy-Hall as a member of the New York City Taxi and Limousine Commission for the remainder of a seven-year term expiring on January 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, May 26, 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>
Lauren Goldapper	141 East 3 rd Street #7F New York, N.Y. 10009	2
Aishah Fields	247 West 145 th Street #4A	7

Nicholas Otero	New York, N.Y. 10039 871 East 179 th Street #4D Bronx, N.Y. 10460	15	Pauline Getz	Middle Village, N.Y. 11379 1246 Sage Street Queens, N.Y. 11691	31
Latoya Sampson	1712 Longfellow Avenue ##B Bronx, N.Y. 10460	15	Carol McPherson	257-45 149 th Avenue Rosedale, N.Y. 11422	31
Eileen Gonzalez	596 East 139 th Street Bronx, N.Y. 10454	17	Barbara Webber	54 Boerum Street #2J Brooklyn, N.Y. 11206	34
Charles Keane	117-04 9 th Avenue Queens, N.Y. 11356	19	Lelia Frison	170 South Portland Avenue Brooklyn, N.Y. 11217	35
Zawad Shahadat	85-18 167 th Street #2 Queens, N.Y. 11432	24	Debbie Williams	217 Washington Avenue Brooklyn, N.Y. 11205	35
Sherell Nathaniel	390 Kosciuszko Street Brooklyn, N.Y. 11221	36	Beverly Black	339 Macon Street Brooklyn, N.Y. 11216	36
<i>Approved New Applicants and Reapplicants</i>			Delores Crawford	730 Gates Avenue #2B Brooklyn, N.Y. 11221	36
			Margaret Felder	110 Van Buren Street Brooklyn, N.Y. 11221	36
			Myra Radden	816 Putnam Avenue Brooklyn, N.Y. 11221	36
<u>Name</u>	<u>Address</u>	<u>District #</u>	Diana Alvarez	125 Richmond Street Brooklyn, N.Y. 11208	37
Dennis A. Campanaro	100 Beekman Street #10G New York, N.Y. 10038	1	Edalio Galarza	233 56 th Street #1R Brooklyn, N.Y. 11220	38
Lin Yong Luo	207 Madison Street #16 New York, N.Y. 10002	1	Elent Mantoulides	1074 64 th Street Brooklyn, N.Y. 11219	38
Anna Marie Borelli	100 Pitt Street #8D New York, N.Y. 10002	2	Nicholas A. Lembo	155 3 rd Avenue Brooklyn, N.Y. 11218	39
Raymond E. Frier	484 West 43 rd Street #18Q New York, N.Y. 10036	3	James D. Noble	151 Dahill Road Brooklyn, N.Y. 11218	39
Nicole Weinstock	114 Christopher Street #9 New York, N.Y. 10014	3	Phyllis Brown	88 Fenimore Street Brooklyn, N.Y. 11225	40
Aida I. Melendez	1806 First Avenue New York, N.Y. 10028	4	Stephanie D. Jones	155 East 43 rd Street Brooklyn, N.Y. 11203	41
Robert W. Schaffer	3 Peter Cooper Road #11E New York, N.Y. 10010	4	Heather A. Morales	943 Herkimer Street #3 Brooklyn, N.Y. 11233	41
Andrea Sargent	58 East 117 th Street #4C New York, N.Y. 10035	8	Ruth Thomas	788 Hancock Street Brooklyn, N.Y. 11233	41
Cynthia Blandino	1019 East 216 th Street Bronx, N.Y. 10469	12	Joseph R. Aievoli, Jr.	1054 83 rd Street Brooklyn, N.Y. 11228	43
Maria S. Pabon	100 Carver Loop #25F Bronx, N.Y. 10475	12	Madalene D. Potter	1218 76 th Street Brooklyn, N.Y. 11228	43
Natalie O. Spence	3301 Palmer Avenue Bronx, N.Y. 10475	12	John Quaglione	138 82 nd Street Brooklyn, N.Y. 11209	43
Susan Nwosu	1730 Montgomery Avenue #4E Bronx, N.Y. 10453	16	Patricia Anne Rizzo	283 81 st Street #5A Brooklyn, N.Y. 11209	43
Edward Aviles	156 Newman Avenue Bronx, N.Y. 10473	18	Ilene P. Sacco	290 Dahlgren Place Brooklyn, N.Y. 11228	43
Millicent Martin	2017 Caesar Place #5 Bronx, N.Y. 10473	18	Mary Anne Zoleo	8701 Shore Road #324 Brooklyn, N.Y. 11209	43
Cesar a. Riofrio	1369 Leland Avenue Bronx, N.Y. 10460	18	Jean Frantz Noel	620 East 29 th Street #2E Brooklyn, N.Y. 11210	45
Beverly Parris	202-31 45 th Road Bayside, N.Y. 11361	19	Hughes J. William	1310 East 37 th Street Brooklyn, N.Y. 11210	45
Sarah J. Shea	146-11 Booth Memorial Avenue Queens, N.Y. 11355	20	Suzanne G. Rose	11 Kansas Place Brooklyn, N.Y. 11234	46
Christina H. Fiore	30-16 42 nd Street #1L Astoria, N.Y. 11103	22	Andrea J. Thompson	1123 East 63 rd Street Brooklyn, N.Y. 11234	46
Boris Geker	259-10 62 nd Avenue Queens, N.Y. 11362	23	Marina Tkachuk	2432 East 28 th Street #2 Brooklyn, N.Y. 11235	46
Annette M. Hill	93-07 210 th Place Queens, N.Y. 11428	23	Marina Urman	2056 East 56 th Street Brooklyn, N.Y. 11234	46
Rhonda Koch C/O	Englander 202-09 53 rd Avenue Bayside, N.Y. 11364	23	Robert DeRossi II	1730 Stillwell Avenue Brooklyn, N.Y. 11223	47
Kofii Carter	35-35 21 st Street #2D Queens, N.Y. 11106	26	Doris A. Altabet	2424 Kings Highway #6E Brooklyn, N.Y. 11229	48
Cindy Garcia	43-19 39 th Place #11 Sunnyside, N.Y. 11104	26	Patricia Colavito	2701 Goethales Road North #E5 Staten Island, N.Y. 10303	48
Ladania M. Bailey	221-19 114 th Road Queens, N.Y. 11411	27	Marilyn Goodacre	256 Watchogue Road Staten Island, N.Y. 10314	49
Kimberly Eldridge	174-31 128 th Avenue Queens, N.Y. 11434	27	Renee Parham	78 Pleasant Valle Avenue Staten Island, N.Y. 10304	49
Leslie Kalmowitz	63-70 Austin Street #3A Rego Park, N.Y. 11374	29	Nickole Danielle Rivera	16 Greenwood Avenue #1	49
Graciela M. Gutierrez	78-32 68th Avenue	30			

Daniel Williams	Staten Island, N.Y. 10301 85 Parkhill Court	49
Kathleen Deignan	Staten Island, N.Y. 10304 96 Newberry Avenue	50
Dane Buchanan	Staten Island, N.Y. 10304 377 Darlington Avenue	51
Lisa DeGratto	Staten Island, N.Y. 10312 1778 Arthur Kill Road	51
Julia DiMaggio	Staten Island, N.Y. 10312 41 Serrell Avenue	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 508 & Res 850 --** LaShann M. DeArcy Hall- New York City Taxi and Limousine Commission.
- (2) **Int 363-A --** Requiring the commission on human rights to educate the public on various types of bias-related harassment.
- (3) **Int 444-A --** Mayor's Office of Operations to report data regarding utilization of and applications for citywide temporary emergency housing and associated services.
- (4) **Int 450-A --** Increasing the maximum age for qualifying for membership in the fire department for certain persons (**with Message of Necessity requiring an affirmative vote of at least two-thirds of the Council for passage**).
- (5) **Res 813 --** Mutual Redevelopment Houses.
- (6) **L.U. 314 & Res 845 --** App. **20115418 HAM**, Block 1736/Lot 1, Council District no. 9, Borough of Manhattan.
- (7) **L.U. 315 & Res 846 --** App. **20115419 HAM**, Block 1736/part of Lot 1, Council District no. 9, Borough of Manhattan.
- (8) **L.U. 390 & Res 847 --** App. **20105769 TCK**, 289 Manhattan Avenue, Borough of Brooklyn, Council District no. 34.
- (9) **L.U. 391 & Res 848 --** App. **20115504 TCM**, 118 Greenwich Avenue, Borough of Manhattan, Council District no. 3.
- (10) **L.U. 392 & Res 849 --** App. **20115751 HAK**, 660 Jerome Street and 741 Barbey Street, Council District no. 42, Borough of Brooklyn.
- (11) **L.U. 393 & Res 851 --** Kingsbridge Court, Block 3248, Lot 150, Bronx, Council District No. 14
- (12) **L.U. 394 & Res 852 --** South Bronx Community Management Project, Council Districts 8 and 17
- (13) **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, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **44**.

The General Order vote recorded for this Stated Meeting was 44-0-0 as shown above.

The following Introductions were adopted by the Council and sent to the Mayor for his consideration and approval: Int Nos. 363-A, 444-A, and 450-A (passed under a Message of Necessity from the Mayor).

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. 647-A

Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass legislation to authorize New York City to enact a local law to grant point credits for New York city resident applicants who pass the firefighter civil service exam and to establish eligibility criteria for such credits.

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on February 2, 2011 (Minutes, page 261), respectfully

REPORTS:

INTRODUCTION:

On Wednesday, May 25, 2011, the Committee on Civil Service and Labor chaired by Council Member James Sanders, Jr., will hold a hearing on Proposed Res. No. 647-A, a resolution calling upon the New York State Legislature to pass legislation to authorize New York City to enact a local law to grant point credits for New York city resident applicants who pass the firefighter civil service exam and to establish eligibility criteria for such credits.

Proposed Res. No. 647-A:

This resolution would note that the New York City Fire Department ("FDNY") responds to more than 276,000 fire and non-fire related emergencies and more than 1.2 million medical emergencies each year; and

The resolution would also note that the FDNY has approximately 11,200 uniformed fire personnel representing the Department; and

This resolution would further state that the FDNY is the least racially diverse fire department in any major city in the United States and the least diverse agency in the City; and

The resolution would also note that although more than half of New York City's 8.2 million residents belong to a racial or ethnic minority, the FDNY's representation of Black and Hispanic personnel constitutes only nine percent; and

The resolution would also state that in other major U.S. cities, such as Los Angeles and Philadelphia, the representation of Black and Hispanic firefighters are 44% and 29%, respectively; and

This resolution would further state that despite minority recruitment drives dating back to 1994, the FDNY is still approximately 87% White; and

This resolution would additionally note that the current racial minority composition of the FDNY is 3.8% Black, 7.8% Hispanic, 0.9% Asian; and

The resolution would further note that notwithstanding the FDNY's efforts to increase minority recruitment, the number of Black firefighters has actually decreased from approximately 6% of the force roughly two decades ago; and

The resolution would also state that the current racial composition of the FDNY fails to come close to reflecting the diversity of New York City, which as of the last available U.S. Census data had a population that is approximately 27% Black, 27% Hispanic and 10% Asian; and

This resolution would further note that the New York City Department of Administrative Services ("DCAS") is charged with administering all civil service exams for New York City agencies by New York State law and the New York City Charter; and

The resolution would also state that currently DCAS grants bonus points to applicants of the firefighter civil service exam based on residency, however the current criteria for claiming such points is flawed; and

This resolution would further note that as the indicia for the residency point credit that have been used by DCAS in recent years are subject to potential fraud, eligibility criteria for the credit should be changed to include indicia of residency

that will deter attempts at circumventing the residency requirement and subverting the purpose of the bonus; and

Finally, the resolution would state that additional criteria that should be used for determining eligibility for a residency requirement could include, but are not limited to, having a mortgage in the applicant's name for the twelve-month period before the announcement of the examination; cable, gas or utility bills in the applicant's name for the twelve-month period before the announcement of the examination; checking or saving account statements in the applicant's name for the twelve-month period before the announcement of the examination; credit card statements in the applicant's name for the twelve-month period before the announcement of the examination; W-2 forms in the applicant's name for the twelve-month period before the announcement of the examination; high school diploma or transcript from a New York City school from the twelve-month period before the announcement of the examination; and General Educational Development credential from a New York City institution from the twelve-month period before the announcement of the examination; and

Thus, the resolution would state that the Council of the City of New York calls upon the New York State Legislature to pass legislation to authorize New York City to enact a local law to grant point credits for New York city resident applicants who pass the firefighter civil service exam and to establish eligibility criteria for such credits.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 647-A:)

Res. No. 647-A

Resolution calling upon the New York State Legislature to pass legislation to authorize New York City to enact a local law to grant point credits for New York city resident applicants who pass the firefighter civil service exam and to establish eligibility criteria for such credits.

By Council Members Comrie, Greenfield, Arroyo, Brewer, Cabrera, Chin, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams, Jackson, Van Bramer, Wills, Sanders, Dickens and Reyna.

Whereas, The New York City Fire Department ("FDNY") responds to more than 276,000 fire and non-fire related emergencies and more than 1.2 million medical emergencies each year; and

Whereas, The FDNY has approximately 11,200 uniformed fire personnel representing the Department; and

Whereas, The FDNY is the least racially diverse fire department in any major city in the United States and the least diverse agency in the City; and

Whereas, Although more than half of New York City's 8.2 million residents belong to a racial or ethnic minority, the FDNY's representation of Black and Hispanic personnel constitutes only nine percent; and

Whereas, In other major U.S. cities, such as Los Angeles and Philadelphia, the representation of Black and Hispanic firefighters are 44% and 29%, respectively; and

Whereas, Despite minority recruitment drives dating back to 1994, the FDNY is still approximately 87% White; and

Whereas, The current racial minority composition of the FDNY is 3.8% Black, 7.8% Hispanic, 0.9% Asian; and

Whereas, Notwithstanding the FDNY's efforts to increase minority recruitment, the number of Black firefighters has actually decreased from approximately 6% of the force roughly two decades ago; and

Whereas, The current racial composition of the FDNY fails to come close to reflecting the diversity of New York City, which as of the last available U.S. Census data had a population that is approximately 27% Black, 27% Hispanic and 10% Asian; and

Whereas, The New York City Department of Administrative Services ("DCAS") is charged with administering all civil service exams for New York City agencies by New York State law and the New York City Charter; and

Whereas, Currently DCAS grants a points credit to applicants of the firefighter civil service examination who live in the City, however the criteria for claiming such credit are flawed; and

Whereas, As the indicia of residency that an applicant must provide to be eligible for the point credit are such that they may be easily circumvented, such indicia must be changed to deter attempts at avoiding them and subverting the purposes of the point credit which include the enhancement of minority recruitment; and

Whereas, The criteria that should be used for determining eligibility for a residency requirement should include, but are not limited to, having a mortgage in the applicant's name for the twelve-month period before the announcement of the examination; cable, gas or utility bills in the applicant's name for the twelve-month period before the announcement of the examination; checking or saving account statements in the applicant's name for the twelve-month period before the announcement of the examination; credit card statements in the applicant's name for the twelve-month period before the announcement of the examination; W-2 forms in

the applicant's name for the twelve-month period before the announcement of the examination; high school diploma or transcript from a New York City school from the twelve-month period before the announcement of the examination; and General Educational Development credential from a New York City institution from the twelve-month period before the announcement of the examination; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation to authorize New York City to enact a local law to grant point credits for New York city resident applicants who pass the firefighter civil service exam and to establish eligibility criteria for such credits.

JAMES SANDERS, JR., Chairperson; MICHAEL C. NELSON, JAMES. F. GENNARO, DOMENIC M. RECCHIA JR., MELISSA MARK-VIVERITO, ERIC A. ULRICH, Committee on Civil Service and Labor, May 25, 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. 647-A** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 700

Report of the Committee on Housing and Buildings in favor of approving a Resolution calling upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants.

The Committee on Housing and Buildings, to which the annexed resolution was referred on March 23, 2011 (Minutes, page 767), respectfully

REPORTS:

Today, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan will meet to consider Resolution No. 700, A Resolution calling upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants. On May 9, 2011, the Committee conducted an initial hearing on this resolution and heard and received testimony from tenants and many housing advocates.

Legislative History of Rent-Regulations in New York City

The current system of rent-regulations can be traced back to federal price controls on rent implemented during World War II.¹ The price controls were implemented nationwide as a way to combat inflation during wartime and included some of the same protections to tenants as we see today including the right to automatic lease renewals.² In 1946, following the end of World War II, New York State enacted Chapter 274 of the Laws of 1946, continuing the wartime rent-control system because:

a serious public emergency continues to exist in the housing of a considerable number of persons in the state of New York which emergency was created by war, the effects of war and the aftermath of hostilities; that such emergency necessitated the intervention of federal, state and local government in order to prevent speculative, unwarranted and abnormal increases in rents; that there continues to exist an acute shortage of dwellings; that unless residential rents and evictions continue to be regulated and controlled, disruptive practices and abnormal conditions will produce serious threats to the public health, safety and general welfare; that to prevent such perils to health, safety and welfare, preventive action by the legislature continues to be imperative; that such action is necessary in order to prevent exactions of unjust, unreasonable and oppressive rents and rental agreements and to forestall profiteering, speculation and other disruptive practices tending to produce threats to the public health; that the transition from regulation to a normal market of free bargaining between landlord and tenant, while still the objective of state policy, must be administered with due regard for such emergency; that in order to prevent uncertainty, hardship and dislocation, the provisions of this act are declared to be necessary and designed to protect the public health, safety and general welfare.³

Pursuant to the provisions of the Local Emergency Housing Rent Control Act (Chapter 21 of the Laws of 1962), the administration of Rent Control was conferred upon the City as of May 1, 1962 due to the finding of the Legislature that an emergency continued to exist with regards to a shortage of available rental apartments. However, the Legislature felt that the "policy should be administrated locally" by a New York City agency.⁴ At that point the Mayor of New York City was required to establish a "city housing rent agency to administer the regulation and control of residential rents and evictions."⁵

In 1969, the Council passed Local Law No. 16, which enacted the Rent Stabilization Law regulating multiple dwellings containing six or more units built

after February 1, 1947. Specifically, the Council set a price control on rents in buildings in New York City with six or more units built since 1947 and in previously decontrolled units in buildings that were built before 1947 containing six or more units. Local Law No. 16 also included provisions limiting the eviction of tenants who are subject to rent control.⁶ Furthermore, the Rent Guidelines Board (RGB), which determines the amount of permissible rent increases for rent-stabilized tenants, was also established pursuant to Local Law No. 16.⁷ That local law was to expire on April 1, 1974.

Beginning in 1970, as required by State Law, the Council has continuously made a determination that there exists a public emergency requiring the continued regulation and control of residential rents and evictions. Such a determination is made following the submission to the Council by the Mayor of "a survey of the supply of housing accommodations within the City, the condition of such accommodations and the need to continue regulation and control of residential rents and evictions within the City."⁸ A rental vacancy rate of 5% or lower must exist in order to permit the Council to make such a determination.⁹

In 1971, the State Legislature enacted Chapter 371 of the Laws of 1971 which removed from the protection of the City Rent and Rehabilitation Law ("Rent Control") and the Rent Stabilization Law dwelling units that became vacant. These units were thereafter not subject to any rent regulation.

In 1974, the Council passed Local Law No. 1 extending the Rent Stabilization Law for those dwelling units not vacated during the 1971-1974 period through March 31, 1979. Thereafter, the State Legislature enacted Chapter 576 of the Laws of 1974 (the "Emergency Tenant Protection Act") which restored Rent Stabilization Law protection to those units that had become vacant during the 1971-1974 "decontrol" period, as well as extending Rent Stabilization Protection to dwelling units in buildings constructed after March 10, 1969 and prior to January 1, 1974.

The Council has extended the Rent Stabilization Law for three-year periods in 1979 (Local Law No. 8), 1982 (Local Law No. 18), 1985 (Local Law No. 24), 1988 (Local Law No. 18), 1991 (Local Law No. 20), 1994 (Local Law No. 4), 1997 (Local Law No. 13), 2000 (Local Law No. 12¹⁰), 2003 (Local Law No. 21), 2006 (Local Law No. 3), and 2009 (Local Law No. 23).

Demographics of Rent-Regulated Units

As required by State Law, every three years, the City must survey the need to continue rent-regulation. To accomplish this survey the Department of Housing Preservation and Development (HPD) enters into a contract with the United States Bureau of the Census for the latter to conduct the Housing and Vacancy Survey (HVS) and calculate the rental vacancy rate for the City based upon the data contained in the Survey. The most recent report containing the results and findings of the 2008 HVS was prepared by HPD. This HVS was later incorporated into the broader Housing New York City 2008 and released in February 2011 by HPD.¹¹

The rental vacancy rate is calculated by dividing the number of vacant available for-rent units (that are not considered to be dilapidated) by the number of renter-occupied units plus the number of vacant available for-rent housing units (that are not dilapidated). The 2008 HVS report indicated a citywide rental vacancy rate of 2.88% with a rent-stabilized vacancy rate of 2.19 percent. Of the vacant rent-stabilized units the large majority had rents of \$900-\$1,249 (45 percent) or \$1,250 and over (27 percent). The number of stabilized vacant units renting at less than \$900 was 6,000 units with a vacancy rate of 1.41 percent.

According to the Housing New York City 2008 report, there were approximately 59,000 vacant available rental units in New York City as of the survey period, a decrease of approximately 3,000 units since 2005. The majority of vacant units are evenly distributed throughout the boroughs with Manhattan with 16,000 units or 26 percent; Brooklyn with 16,000 units or 26 percent; Queens with 15,000 units or 24 percent; and the Bronx with 12,000 units or 19 percent, respectively.

Since the last reporting period in 2005, the overall number of housing units in the City has increased by approximately 68,000 units to 3,329,000 from 3,261,000, while the total number of rental units has increased by 2.5% from 2,092,000 rental units in 2005 to 2,145,000 rental units in 2008. Specifically, with regards to the rent-regulated housing stock, in 2008, there were 1,004,000 rent-stabilized apartments, which composed 46.8 percent of the total amount of rental units, compared to 1,043,677 in 2005 resulting in a net loss of almost 40,000 rent-stabilized units during this three-year period. Thirty percent of New Yorkers live in rent-stabilized units, or 2,400,000 people. With regards to rent-controlled units they numbered 1.9 percent of the overall rental stock in 2008 or 40,000 units in total compared with approximately 43,000 units in 2005.

The borough of Manhattan had the most rent-controlled units in the City, with more than one out of every two rent-controlled units (51 percent) located in Manhattan compared to the next borough, Brooklyn. The majority of rent-stabilized units are almost evenly distributed with Manhattan with 30 percent; Brooklyn with 27 percent; the Bronx with 22 percent; and Queens with 20 percent of such units.

According to the HVS, the median monthly gross rent, including utility payments increased by 14.6 percent from \$920 in 2005 to \$1,054 in 2008 for-regulated units irrespective of apartment size. The borough of Manhattan had the highest median contract rent of \$1,200, Queens was second with a median contract rent of \$1,050, Brooklyn was third with a median contract rent of \$919, Staten Island was fourth with a median contract rent of \$900 and the Bronx was fifth with a median contract rent of \$820.

The median income of renters in the City was \$36,200, which increased by 13.1 percent from \$32,000 in 2004. Manhattan renters had the highest income of any of the five boroughs with a median income of \$50,000. Queens and Staten Island had a median income of \$40,000 for renters, while Brooklyn renters had a median income

of approximately \$32,000. Bronx renters had the lowest income with a median income of \$22,000. According to the HVS, approximately 28% of a rent-regulated tenant's income goes towards rent.¹²

Res. No. 700

Res. No. 700 calls upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants. The Resolution recognizes that there are over one million apartments covered by rent regulations in New York City, representing roughly half of the City's rental units. However, New York City faces a housing crisis, with a Citywide vacancy rate of only 2.88 percent, according to the 2008 Housing and Vacancy Survey. In response to a long-existing housing crisis, New York City and New York State have enacted rent control and rent stabilization laws which are in place to stabilize neighborhoods and to protect tenants from harassment and unreasonable rent increases or evictions. The stability provided by rent regulation has helped to lessen the impacts of the severe housing shortages and market conditions in New York City.

However, because of the "Urdstat Law", a relic of 1971 vacancy decontrol measures which prohibits New York City government from enacting more stringent protections for New York City tenants, New York City's rent laws are subject to what takes place in Albany. The New York State Legislature and the Governor should act to as soon as possible to renew the rent-regulation laws and as part of the renewal eliminate deficiencies in the regulatory structure and provide stronger protections to tenants by repealing vacancy decontrol and the "Urstadt Law," and by granting tenants in buildings in the Mitchell-Lama or project-based Section 8 programs all of the protections of rent stabilization when such buildings exit the programs.

¹ See Report of the Citizens Budget Commission: Rent Regulation: Beyond the Rhetoric available at http://www.cbcny.org/sites/default/files/REPORT_RentReg_06022010.pdf.

² See Signing Statement on the Emergency Price Control Act of 1942, available at <http://www.presidency.ucsb.edu/ws/index.php?pid=16192#axzz1LV90fh2F>. See Rent Control and Evictions Under Emergency Price Control by E.P. McCarron published in the Marquette Law Review, April 1943 edition, available at <http://epublications.marquette.edu/cgi/viewcontent.cgi?article=3624&context=mlr&seidir=1#search=emergency+price+control+act+rent+regulation>.

³ See Section 1 of Chapter 274 of the laws of 1946.

⁴ See Section 1 of Chapter 21 of the Laws of 1962. See also, History of the Board and Rent Regulation System, available at <http://www.housingnyc.com/html/about/intro%20PDF/historyoftheboard.pdf>.

⁵ See Paragraph 4 of Section 1 of Chapter 21 of the Laws of 1962.

⁶ See Section 26-408 of the Administrative Code of the City of New York. See also, History of the Board and Rent Regulation System, available at <http://www.housingnyc.com/html/about/intro%20PDF/historyoftheboard.pdf>.

⁷ See Section 26-405 of the Administrative Code of the City of New York. See also *id.*

⁸ See Section 26-415 of the Administrative Code of the City of New York.

⁹ See Section 26-414 of the Administrative Code of the City of New York. The last determination found a vacancy rate of 2.88% from the period from February to June 2008.

¹⁰ Local Law No. 12 also included certain requirements to provide that a certified written notice be given to the first tenant of a housing accommodation that is deregulated pursuant to the "vacancy decontrol law." This notice is mandated to contain the legal regulated rent or maximum rent that was in effect at the time such housing accommodation became vacant.

¹¹ See Housing New York City 2008 by Dr. Moon Wha Lee on file with the Committee. All of the statistical data in the Committee Report is for the year 2008 unless otherwise indicated.

¹² *Id.*

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 700:)

Res. No. 700

Resolution calling upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants.

By Council Member Chin, the Speaker (Council Member Quinn) and Council Members Dilan, Foster, Garodnick, Brewer, Cabrera, Dickens, Dromm, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Sanders, Seabrook, Van Bramer, Vann, Williams, Gentile, Eugene, Jackson, Reyna, Rivera, Rodriguez, Weprin, Arroyo, Gennaro and Koo.

Whereas, There are over one million apartments covered by rent regulations in New York City, representing roughly half of the City's rental units; and

Whereas, New York City faces a housing crisis, with a Citywide vacancy rate of only 2.88 percent, according to the 2008 Housing and Vacancy Survey; and

Whereas, In response to a long-existing housing crisis, New York City and New York State have enacted rent control and rent stabilization laws which are in place to stabilize neighborhoods and to protect tenants from harassment and unreasonable rent increases or evictions; and

Whereas, The stability provided by rent regulation has helped to lessen the impacts of the severe housing shortages and market conditions in New York City; and

Whereas, Because of the “Urstadt Law”, a relic of 1971 vacancy decontrol measures which prohibits New York City government from enacting more stringent protections for New York City tenants, New York City’s rent laws are subject to what takes place in Albany; and

Whereas, In 1997, when renewing the rent laws, the New York State Legislature and Governor enacted two provisions that in particular have exacerbated the lack of affordable housing units in New York City, including allowing owners rent increases of up to 20% every time a vacant apartment is rented to a new tenant, and the deregulation of apartments that rent for \$2000 or more per month either upon vacancy or when tenants in residence have incomes that exceed \$175,000 in each of two consecutive years; and

Whereas, The 20% vacancy allowance each time a unit becomes vacant irrespective of whether the last vacancy increase was granted, which is permitted in addition to annual “across the board” and other rent increases, has led to widespread reports of tenant harassment by landlords who seek to turn over units in order to receive this large increase in rent, subsequently leading to the loss of affordable units and the destabilization of neighborhoods in all of the five boroughs, thereby leading to an even tighter housing market as units are deregulated and the pressure of high rents displaces lower- and middle- income tenants thereby removing an individual and neighborhood stability; and

Whereas, The Mitchell-Lama and Project-based Section 8 programs were designed to provide stability to both individuals and neighborhoods, and allowing owners to “opt out” from these programs, without additional protections, creates the potential for destabilization and havoc, especially given the current need for affordable housing; and

Whereas, By putting all units in Mitchell-Lama and Project-based Section 8 developments under the Rent Stabilization Program when an “opt out” occurs, apartments in Mitchell-Lama and Project-based Section 8 developments will be kept affordable following an “opt-out;” and

Whereas, Harassment by owners of their tenants became so common that the City Council and Mayor Bloomberg enacted the Tenant Protection Act of 2008, which provides an opportunity for tenants to sue their landlords in Housing Court for harassment; and

Whereas, Rent regulation both protects current tenants from being subjected to unaffordable rents and arbitrary eviction as well as helping to maintain affordability for new tenants; and

Whereas, State rent regulation and eviction protection laws will expire on June 15, 2011 unless renewed by the New York State Legislature and the Governor; and

Whereas, The New York State Legislature and the Governor should act to as soon as possible to renew the rent-regulation laws and as part of the renewal eliminate deficiencies in the regulatory structure and provide stronger protections to tenants by repealing vacancy decontrol and the “Urstadt Law,” and by granting tenants in buildings in the Mitchell-Lama or project-based Section 8 programs all of the protections of rent stabilization when such buildings exit the programs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to renew and strengthen the laws regulating rents and the eviction of tenants.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, Committee on Housing and Buildings, May 26, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice-vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 700** to be adopted.

The following 5 Council Members formally voted against this item: Council Members Halloran, Ignizio, Koo, Ulrich, and Oddo.

Adopted 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 Housing and Buildings and had been favorably reported for adoption.

Report for voice-vote Res. No. 840

Report of the Committee on Housing and Buildings in favor of approving a Resolution authorizing the Speaker to file amicus briefs on behalf of the Council (i) in support of the defendant tenants in the judicial proceedings captioned *Dime Savings Bank of Williamsburgh v. 262-272 45th St. Owners Group LLC* (Index No. 8211/2010, Kings County) and *National Bank of New York City v. 296 5th Avenue Group, LLC* (Index No. 29057/09, Kings County), for the purpose of supporting those tenants’ motions which

request that the court in each case order the court-appointed mortgage foreclosure receiver to cure conditions constituting violations of City and State housing maintenance laws on the subject property and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations, at the Supreme Court, Appellate Division, and/or Court of Appeals level; and (ii) in other foreclosure cases in which the same relief is appropriate.

The Committee on Housing and Buildings, to which the annexed resolution was referred on May 26, 2011 respectfully

REPORTS:

INTRODUCTION:

On May 26, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will hold a hearing on a Preconsidered Resolution authorizing the Speaker to file amicus briefs on behalf of the Council (i) in support of the defendant tenants in the judicial proceedings captioned *Dime Savings Bank of Williamsburgh v. 262-272 45th St. Owners Group LLC* (Index No. 8211/2010, Kings County) and *National Bank of New York City v. 296 5th Avenue Group, LLC* (Index No. 29057/09, Kings County), for the purpose of supporting those tenants’ motions which request that the court in each case order the court-appointed mortgage foreclosure receiver to cure conditions constituting violations of City and State housing maintenance laws on the subject property and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations, at the Supreme Court, Appellate Division, and/or Court of Appeals level; and (ii) in other foreclosure cases in which the same relief is appropriate.

BACKGROUND:

This resolution authorizes the Speaker to file two amicus briefs in two mortgage foreclosure cases. The first case was brought in 2009 by National Bank of New York against the owners, tenants, and others affiliated with 296 5th Avenue in the Park Slope neighborhood of Brooklyn. In 2010, The Dime Savings Bank of Williamsburgh commenced the second case, against the owners, tenants, and others affiliated with 262-272 45th Street in the Sunset Park neighborhood of Brooklyn. Both cases are currently pending in New York State Supreme Court, Kings County.

In both cases the court has appointed a receiver, who is responsible for, among other things, keeping the subject properties in good repair. On May 6, 2011, the defendant tenants in each case made a motion asking the court to order the court-appointed receiver to cure conditions constituting violations of the City’s Housing Maintenance Code (HMC) in the premises and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations. According to the tenants’ moving papers, each property is in extremely poor repair: the Park Slope building has 96 outstanding housing violations, the Sunset Park property has 352 outstanding housing violations, and one of the Sunset Park buildings has been placed into the City’s Alternative Enforcement Program, which targets the most physically distressed properties in the City.

The court-appointed receiver is required to prioritize his expenditures of rents and other income from the properties for which he is responsible on correcting immediately hazardous and hazardous violations of the housing maintenance laws, pursuant to Section 1325 of the Real Property Actions and Proceedings Law. Moreover, the Multiple Dwellings Law (MDL) and the HMC require owners to keep their properties in good repair, and the definitions of “owner” in Section 4(44) of the MDL and Section 27-2004(a)(45) of the HMC include a receiver.

The tenants allege that the rent rolls of each property are insufficient to fund all necessary repairs. Like many tenants in New York City, the tenants of these properties are suffering from a receiver’s inability to pay for much-needed repairs because of a lack of sufficient funds to achieve compliance with housing maintenance requirements. Tenants in distressed multifamily dwellings should not be victimized by violations of housing maintenance laws and be made to suffer poor housing conditions due to lending and borrowing decisions in which they did not participate.

The amicus briefs will present the City’s experience with physically distressed properties to the Court, and the connection between poor conditions and foreclosure. Specifically, the briefs will describe the harmful effects of such properties on tenants and neighborhoods, and the fiscal impact that is associated with such properties.

RESOLUTION:

This Resolution authorizes the Speaker to file amicus briefs on behalf of the Council (i) in support of the defendant tenants in the judicial proceedings captioned *Dime Savings Bank of Williamsburgh v. 262-272 45th St. Owners Group LLC* (Index No. 8211/2010, Kings County) and *National Bank of New York City v. 296 5th Avenue Group, LLC* (Index No. 29057/09, Kings County), for the purpose of supporting those tenants’ motions which request that the court in each case order the court-appointed mortgage foreclosure receiver to cure conditions constituting violations of City and State housing maintenance laws on the subject property and the plaintiff bank to advance the funds necessary for the receiver to comply with his

obligations, at the Supreme Court, Appellate Division, and/or Court of Appeals level; and (ii) in other foreclosure cases in which the same relief is appropriate.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Readings of Bills section for Res No. 840 printed in these Minutes)

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, Committee on Housing and Buildings, May 26, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice-vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 840** to be adopted.

The following 2 Council Members formally voted against this item: Council Members Ignizio and Koo.

The following 3 Council Members formally abstained to vote on this item: Council Members Halloran, Ulrich, and Oddo.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 572

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to conduct structural inspections of those multiple dwellings that have a dangerous number of hazardous or immediately hazardous violations and the department of housing preservation and development to correct structural defects when the owner fails to do so.

Be it enacted by the Council as follows:

Section 1. Article 216 of chapter two of title 28 of the administrative code of the city of New York is amended to read as follows:

§28-216.12 Buildings and structures that are potentially compromised. For purposes of this section 28-216.12, "potentially compromised" shall include a building or structure that has had an open roof for sixty days or longer, that has been shored and braced or repaired pursuant to an emergency declaration issued by the commissioner, that has been subject to a precept as a compromised structure under Article 216 of this code [or], that may have suffered structural damage by fire or other cause as determined by the commissioner *or that has been referred to the department by the department of housing preservation and development pursuant to subdivision b of section 27-2096.1 of the administrative code.*

§28-216.12.1 Structural inspections of potentially compromised buildings or structures. *a.* When a building or structure has become potentially compromised, the [owner] department shall [cause] conduct a structural inspection of such building or structure [to be performed]. Such inspection shall be performed within sixty days of the opening of the roof, within sixty days of the shoring and bracing or repair work[, or], within sixty days of a determination by the commissioner that the building has suffered structural damage by fire or other cause, *or within sixty days of a referral to the department by the department of housing preservation and development pursuant to subdivision b of section 27-2096.1 of the administrative code.* A report of such inspection shall be filed with the department within thirty days thereafter in such form and detail and with provision for periodic monitoring of the building or structure as the commissioner may require.

b. Where an inspection of a multiple dwelling pursuant to subdivision a reveals a structural defect, the department shall issue an order to certify correction directing the respondent to correct such condition as provided in section 28-204.2 of this code.

c. Where the condition is not certified as corrected within the time specified in section 28-204.2, the department shall notify the department of housing preservation and development, which shall correct such condition if possible pursuant to subdivision a of section 27-2125.

§28-216.12.5. The [owner] department shall perform or cause a registered design professional to perform a structural inspection of buildings and structures subject to section 28-216.12 prior to the issuance of a permit to alter, repair, demolish or enlarge such building or structure, except that the commissioner

may waive such inspection if a structural inspection of the entire building or structure has been performed within the prior year.

§2. Article one of subchapter four of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.1 to read as follows:

§27-2096.1 *Mandatory referral and repair.* *a.* For purposes of this section the following terms shall be defined as follows:

1. "Violation of record," shall mean violation of chapter two of title twenty-seven of this code.

2. "Dangerous number of violations of record," shall mean *i.* Twenty-five or more violations or record that are classified as immediately hazardous; or

ii. Fifty or more violations of record that are classified as hazardous or immediately hazardous; or

iii. Any number of violations of record that are classified as hazardous or immediately hazardous that in the aggregate are equal to or greater than two times the total number of dwelling units in the multiple dwelling.

b. After identifying a multiple dwelling that contains a dangerous number of violations of record, the department shall notify the department of buildings of such identification and the department of buildings shall conduct a structural inspection of such multiple dwelling pursuant to subdivision a of section 28-216.12 of this code.

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

Referred to the Committee on Housing and Buildings.

Int. No. 573

By Council Members Brewer, Chin, Dromm, Foster, James, Mark-Viverito, Mendez, Palma, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to amending the obligations of owners to provide notice to their tenants for non-emergency repairs.

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. (i) The owner of a dwelling shall provide legal occupants with at least seventy-two hours notice prior to making repairs or performing other work in a dwelling and within a particular dwelling unit which would cause an interruption in services. Such notice shall be posted in a prominent place within the public part of the building and shall be placed under the entrance doors of each dwelling unit. The notice shall state the type of work being performed and the estimated start and end of the service interruption.

(ii) The provisions of this section shall not apply to repairs or work performed on an emergency basis. The department shall by rule determine what constitutes an emergency basis. Any repairs made pursuant to section 27-2125 of this code shall be exempt from the provisions of this subdivision.

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

Referred to the Committee on Housing and Buildings.

Int. No. 574

By Council Members Fidler, Vacca, Comrie, Dromm, Greenfield, Koslowitz, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.

Be it enacted by the Council as follows:

Section 1. Section FC 117.2.1 of chapter 2 of title 29 of the administrative code of the city of New York, as amended by local law number 41 for the year 2009, is amended to read as follows:

117.2.1 Permit, inspection and performance test fee exemption. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a *charitable*, religious or educational institution, corporation or association organized and operated exclusively for *charitable*, religious, or educational purposes that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(3), provided that no part of the net

earnings enures to the benefit of any private shareholder or individual; and provided further, that this exemption shall apply only to such portions of the premises used by such *charitable*, religious or educational institution, corporation or association predominantly as one of the following:

1. A house of worship, or dwelling units for members of the clergy of such religious institution, corporation or association situated on or adjacent to the same premises as such house of worship. For purposes of this section, "house of worship" shall mean that part of a premises classified in Occupancy Group A-3 that is used by members of a religious institution, corporation or association principally as a meeting place for divine worship or other religious observances, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association, and who does not derive his or her principal income from any other occupation or profession.

2. A school accredited by the state of New York providing kindergarten through twelfth grade education.

3. A voluntary ambulance service as such term is defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand five of the public health law.

4. A fire company or fire department incorporated pursuant to section fourteen hundred two of the not-for-profit corporation law.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 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.

Be it enacted by the Council as follows:

Section 1. Section BC 1213 of the New York city building code is amended by adding new sections BC 1213.4 and BC 1213.5 to read as follows:

1213.4 *Central refuse storage room.* Any building intended to be classified in occupancy groups R-1 or R-2 having 12 or more dwelling units shall include at least one central refuse storage room which shall provide sufficient space for the storage of both refuse and designated recyclables, source separated in accordance with the requirements of section 16-305 of the code and the rules promulgated pursuant thereto, and shall comply with the following minimum area requirements: (1) where there are to be between 12 and 23 dwelling units, the storage room shall be no less than 65 square feet in area; (2) where there are to be between 24 and 49 dwelling units, the storage room shall be no less than 100 square feet in area; (3) where there are to be between 50 and 99 dwelling units, the storage room shall be no less than 150 square feet in area; (4) where there are to be 100 or more dwelling units, the storage room shall be no less than 150 square feet in area plus one additional square foot in area for each dwelling unit over 99 units up to a maximum area of 250 square feet.

1213.5 *Secondary storage rooms for refuse and recyclables.* Any building intended to be classified in occupancy groups R-1 or R-2 having 12 or more dwelling units shall contain a secondary storage room for refuse and designated recyclable material on any floor with main entries to six or more dwelling units. Secondary storage rooms shall be a minimum of 10 square feet in area and shall contain separate receptacles for refuse, designated paper and cardboard, and designated metal, glass, and plastic.

Exceptions:

1. Floors with separate chutes for refuse, designated paper and cardboard, and designated metal, glass, and plastic. Chutes for designated recyclable material shall be constructed in accordance with section 707.13 of this code.

2. Floors with a refuse access room that is constructed in accordance with section 707.13.3 of this code and such refuse access room is at least eight square feet in area.

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

Referred to the Committee on Housing and Buildings.

Int. No. 576

By Council Members Gennaro, Comrie, Fidler, James, Palma, Williams and Ulrich.

A Local Law to amend the New York city building code, in relation to the regulation of concrete washout water.

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of chapter 33 of the New York city building code is amended by adding the following definitions, in to be placed in appropriate alphabetical order:

CONCRETE BUCKET. A receptacle of one half cubic yard or greater capacity used to convey concrete.

CONCRETE WASHOUT WATER. Wastewater from the rinsing of equipment used to mix, transport, convey, and/or place concrete manufactured by a permitted batch or mixing plant, including concrete buckets, concrete hose lines and pumps of concrete pump trucks, and the chute of concrete mixer trucks.

EXCEPTION: Equipment involved in the preparation, conveyance, or application of concrete mixed on site from bagged ready-mix.

FREEBOARD. The height of a structure above the high-water or maximum-capacity mark.

NORMAL SEWAGE. Sewage, industrial waste or other wastes having all of the following characteristics: a biochemical oxygen demand of 1,667 lbs. per million gallons (200 parts per million) or less; a chlorine demand: 208 lbs. per million gallons (25 parts per million) or less; suspended solids of 1,667 lbs. per million gallons (200 parts per million) or less; ether soluble materials of 417 lbs. per million gallons (50 parts per million) or less; and a pH not less than 5.0 and not more than 9.5.

§ 2. Chapter 33 of the New York city building code is amended by adding a new section 3303.15 to read as follows:

3303.15 *Concrete washout water.* Concrete washout water shall be collected in concrete washout containers located on-site or in concrete washout water collection tanks installed on concrete pump and concrete mixer trucks.

3303.15.1 *Concrete washout containers.* Concrete washout containers shall be either prefabricated watertight containers designed for the purpose of holding concrete washout water, or self-installed concrete washout containers.

3303.15.1.1 *Self-installed concrete washout containers.* Self-installed concrete washout containers shall be built below grade, and shall be a minimum of 10 feet wide with a minimum 12 inch freeboard and shall be lined with plastic sheeting of at least 10 millimeter thickness that has no holes or tears. Where excavation is not feasible, self-installed washout containers may be installed above grade with the written approval of the commissioner. Above grade washout containers shall be a minimum of 10 feet wide and 10 feet long with a minimum 4 inch freeboard and shall be triple lined with plastic sheeting of at least 10 millimeter thickness that has no holes or tears. Self-installed washout containers should be designed to promote evaporation where feasible.

3303.15.1.2 *Location.* Concrete washout containers shall not be located less than 50 feet from storm drains, catch basins, ditches or bodies of water without the written approval of the commissioner.

3303.15.1.3 *Coverage.* All concrete washout containers shall be covered prior to or at the commencement of a rainstorm and at such other times as is appropriate to prevent overflow.

3303.15.1.4 *Inspections.* A daily inspection shall be made of all concrete washout containers and, if the building is a major building, such inspections shall be noted in the site safety log. Leaks and structural damage noted by the inspection shall be repaired immediately.

3303.15.1.5 *Maximum allowable usage.* Concrete washout containers shall not be filled in excess of 75% of the container capacity.

3303.15.1.6 *Disposal.* Concrete washout water collected in concrete washout containers may only be disposed of as follows:

1. Stored on-site until it has completely evaporated. Hardened concrete shall be removed and disposed of or recycled.

2. Vacuumed from the concrete washout containers and returned to the concrete batch plant for treatment and disposal.

3. Separating the water from the cement and aggregates and treating the water on-site until it meets the standards of normal sewage prior to release into the sewer system via an on-site sanitary drainage connection or, for existing buildings with a combined sanitary and storm drainage system, via an on-site combined drainage connection. The water shall be tested prior to release and, if the building is a major building, the results from such testing shall be noted in the site safety log.

4. Separating the water from the cement and aggregates and treating the water on-site according to a treatment protocol established by rule by the commissioner of environmental protection prior to release into the sewer system via an on-site sanitary drainage connection or, for existing buildings with a combined sanitary and storm drainage system, via an on-site combined drainage connection. The water shall be tested prior to release and, if the building is a major building, the results from such testing shall be noted in the site safety log.

3303.15.2 *Concrete washout water collection tanks.* Construction and demolition operations that use concrete washout water collection tanks installed on concrete pump and concrete mixer trucks must ensure that the truck concrete washout water collection system will capture all of the concrete washout water generated when washing the truck while on-site.

3303.15.2.1 *Minimum capacity.* Concrete washout water collection tanks installed on concrete mixer trucks shall have a minimum capacity of 30 gallons. Concrete washout water collection tanks installed on concrete pump trucks shall have a minimum capacity of 75 gallons.

3303.15.2.2 *Location.* Concrete pump and concrete mixer trucks shall not be washed out less than 50 feet from storm drains, catch basins, ditches or bodies of water without the written approval of the commissioner.

3303.15.2.3 Disposal. Concrete washout water collected in concrete washout water collection tanks installed on concrete pump and concrete mixer trucks shall be returned to the concrete batch plant for treatment and disposal.

§ 3. This local law shall take effect one hundred twenty 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 Environmental Protection.

Int. No. 577

By Council Members Gennaro, Fidler, James, Koppell, Palma, Rose, Williams and Ulrich.

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.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

**SUBCHAPTER 7
EMISSIONS**

§6-320 Maximum cement content. a. Concrete mixes requiring a compressive strength of fourteen thousand pounds per square inch or less purchased or mixed for or by any agency shall contain no more than four hundred pounds of Portland cement per cubic yard of concrete.

b. The director shall, in consultation with all relevant agencies, conduct a study on the availability and cost of pre-cast concrete units for purchase by agencies that could meet the requirements of Portland cement content as set forth in subdivision a of this section. No later than September 1, 2011, the director shall promulgate rules seeking to minimize the content of Portland cement in pre-cast concrete units purchased by agencies, while considering commercial availability, suitability of use and comparative cost.

c. The provisions of this section shall not apply to concrete used, purchased or mixed for or by any agency where concrete content is otherwise prescribed by federal or state laws, regulations or guidelines.

§ 2. 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 19-113.1 to read as follows:

§19-113.1 Sidewalk construction. All specifications for concrete mixes used for sidewalk construction requiring a compressive strength of fourteen thousand pounds per square inch or less shall contain no more than four hundred pounds of Portland cement per cubic yard of concrete.

§ 3. 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.

§ 4. Section BC 1905 of the New York city building code is amended by adding a new section 1905.2.4 to read as follows:

§1905.2.4 Maximum cement content. All concrete mixes requiring a compressive strength of 14,000 psi or less shall contain no more than 400 pounds of Portland cement per cubic yard of concrete unless otherwise authorized by the commissioner.

§ 5. This local law shall take effect one year 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.

Int. No. 578

By Council Members Gennaro, Fidler, James, Koppell, Palma, Williams and Ulrich.

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.

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 3 of title 6 of the administrative code of the city of New York is amended to add a new section 6-308.2 to read as follows:

§ 6-308.2 Minimum recycled content in asphalt. a.1. No later than January 1, 2012, no agency shall use or purchase asphalt mixtures that contain less than twenty percent recycled asphalt pavement, as measured by weight.

2. No later than July 1, 2014, no agency shall use or purchase asphalt mixtures that contain less than twenty-five percent recycled asphalt pavement, as measured

by weight.

3. No later than July 1, 2018, no agency shall use or purchase asphalt mixtures that contain less than thirty percent recycled asphalt pavement, as measured by weight.

b. Notwithstanding the provisions of subdivision a of this section, this section shall not apply to asphalt used or purchased by or for agencies for aeronautical uses or where asphalt content is otherwise prescribed by federal or state law, rule or regulation, or other federal or state specification.

§ 2. The New York city building code is amended by adding a new chapter 36 to read as follows:

**Chapter 36
Paved Areas
Section 3601
Asphalt**

3601.1 Recycled content in asphalt. No later than January 1, 2012, no less than twenty percent of all asphalt mixtures shall be composed of recycled asphalt pavement, as measured by weight.

1. No later than July 1, 2014, no less than twenty-five percent of all asphalt mixtures shall be composed of recycled asphalt pavement, as measured by weight.

2. No later than July 1, 2018, no less than thirty percent of all asphalt mixtures shall be composed of recycled asphalt pavement, as measured by weight.

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

Referred to the Committee on Housing and Buildings.

Int. No. 579

By Council Members Gennaro, Chin, Fidler, James, Koppell, Koslowitz, Palma, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to controlling emissions from businesses located in mixed-use buildings that use chemicals.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the Building Code and Zoning Resolution of New York City authorize locating certain businesses that use hazardous substances with residential uses in mixed-use buildings. While this practice predates New York City's original Zoning Resolution that was adopted in 1916, in the ensuing years knowledge about the potential adverse impacts resulting from use of chemicals has increased exponentially but has not been reflected in changes to the Building Code, that demonstrate appreciation of the risks posed by chemical use when fugitive emissions from ground floor commercial facilities permeate into residences above these businesses. The migration of fugitive perchloroethylene ("perc") emissions from dry cleaners to attached residences was initially identified as a public health issue in the 1980s. In the 1990s the New York State Department of Health (DOH) conducted the first national major study on co-location of dry cleaner facilities. That study led to legislation regulating dry cleaners in residential buildings due to the health risks posed by fugitive emissions. The New York City Department of Environmental Protection promulgated rules requiring reduction of perchloroethylene releases and containment booths for dry cleaning facilities co-located in buildings with residential uses. The United States Environmental Protection Agency (EPA) also expressed concern about the co-location issue as it pertains to dry cleaners in the preamble to the 1993 perchloroethylene National Emission Standard for Hazardous Air Pollutants ("NESHAP") but deferred to state and local officials to address the issue in relevant building codes or zoning ordinances. Unfortunately, no state or local agency moved to eliminate co-location of facilities that use perchloroethylene in residential buildings in New York City. In the July 27, 2006 amendment of the NESHAP, the EPA took the issue out of local hands by essentially prohibiting co-location of drycleaners by December 21, 2020. The Final Rule for Perchloroethylene Air Emission Standards for Dry Cleaning Facilities notes that it "effectively prohibits new perchloroethylene machines in residential buildings" by requiring that owners or operators eliminate any emissions of perchloroethylene from dry cleaning systems that are installed after December 21, 2005. That regulation, promulgated pursuant to the amended NESHAP for perchloroethylene, includes a "sunset date" of December 21, 2020 for the use of perchloroethylene at any currently operating dry cleaning system located in a building with a residence. 71 Fed. Reg. 42724-42729 (July 27, 2006); 40 C.F.R. 63.32.

Section 116 of the Clean Air Act preserves state and local authority to set requirements that are more stringent than federal standards (i.e. the dry cleaning NESHAP) as long as they do not set requirements that are less stringent than federal requirements and which will be approved via State Implementation Plans or approved under the Clean Air Act section 112 (l). Further, the NESHAP requires control of perchloroethylene emissions and implementation of good work practices for a dry cleaning facility but does not require or set any perchloroethylene limit for the residents of the apartments in those buildings. OSHA has guidance on worker exposure and California has specific perchloroethylene limits for worker exposure. Recently, the New York City Department of Health and Mental Hygiene

(“DOHMH”) enacted a rule to address residential exposure in mixed use buildings that include a dry cleaner. The DOHMH rule may be the first one with perchloroethylene limits for children and residents who live in apartments above a dry cleaning facility, but it does not address the other facilities that use hazardous substances and are located in mixed use buildings.

The Council further finds that numerous other co-located commercial facilities present the potential for fugitive emissions of hazardous air pollutants to enter residences but have not been subject to regulation to reduce that public health risk. These businesses include printers, acrylic nail salons, furniture refinishers, metal platers, and photofinishing, shoe repair and auto body repair facilities. Finally, the Council finds that the New York State Legislature has recognized the public health threat that residential tenants face from sources of air pollution that result in indoor air contamination by passing the “Tenant Notification of Indoor Air Contamination” act requiring property owners to notify tenants of indoor air test results that exceed DOH Indoor Air Guidelines or United States Occupational Safety and Health Administration Guidelines for Indoor Air Quality.

Therefore the Council finds that it is important to eliminate public health risks to indoor air quality from fugitive emissions as a result of co-location of certain businesses that use hazardous substances in mixed-use buildings with residences.

§2. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-141.1 to read as follows

§ 24-141.1 *Controlling emissions from businesses that use chemicals and are located in mixed-use buildings.*

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

(1) *“Business that uses chemicals” shall mean any business that is located in a mixed-use building that uses a hazardous substance, an extremely hazardous substance or an acutely hazardous substance or whose operations use or generate hazardous air pollutants, with the exception of dry cleaners.*

(2) *“Department of health indoor air guidelines” shall mean the indoor air quality residential guidelines generated by the New York state department of health as a result of the “Final New York State Department of Health CEH BEEI Soil Vapor Intrusion Guidance” and background databases, including Appendix “C” Volatile Organic Chemicals in Air and the summary of background databases referenced therein.*

(3) *“Hazardous air pollutant” shall mean an air pollutant designated as a reportable hazardous air pollutant and listed in section 202-2.6 of title six of the official compilation of New York codes, rules and regulations.*

(4) *“Hazardous substance” shall mean a listed hazardous substance pursuant to section 24-603 of this title, an extremely hazardous substance pursuant to section 41-03 of title fifteen of the rules of the city of New York, an acutely hazardous substance as defined in section 597.1 of title six of the official compilation of New York codes, rules and regulations or a mixture of substances which is toxic, flammable, combustible, corrosive, an irritant, a strong sensitizer, such as a significant allergen, or which generates pressure through decomposition, heat or other means, and which when used or handled in a customary manner or in a manner which may be reasonably anticipated is likely to cause injury or illness to individuals or the environment pursuant to section 173.01 of title twenty-four of the rules of the city of New York.*

(5) *“Mixed-use building” shall mean any building occupied in part for residential use, with one or more nonresidential uses located on a story below the lowest story occupied entirely by such residential use and includes any business that uses hazardous substances and uses or generates hazardous air pollutants.*

(6) *“Occupational safety and health administration guidelines for indoor air quality” shall mean the standards identified in the “Limits for Air Contaminants” set forth in table Z-1 of section 1910.1000 of title twenty-nine of the code of federal regulations, the “Enforcement Policy for Respiratory Hazards not covered by the OSHA Permissible Exposure Limits”, and any other applicable guidelines, including permissible exposure limits subsequently promulgated to protect indoor air quality in the work place and eliminate respiratory hazards.*

b. It shall be unlawful for any business that uses chemicals, as defined above, to permit the escape of any fugitive emissions resulting from the operation of such business into any nonresidential indoor area or any residential area of a mixed use building in excess of department of health indoor air guidelines or the occupational safety and health administration guidelines for indoor air quality.

c. Any person may make a complaint to the department or to the department of health and mental hygiene that the operation of any business is in violation of subdivision b of this section and may request that the department or the department of health and mental hygiene undertake air sampling for those emissions of hazardous substances, metabolites of those substances or constituents such substances. Such complaint shall not be disclosed by the department or the department of health and mental hygiene except that such complaint may be disclosed to other governmental entities upon written permission of the complainant, or where required by law. Upon receipt of such a complaint the department or the department of health and mental hygiene shall investigate the allegations contained in the complaint and obtain air samples from any business complained of at a time likely to reflect usual operating activities and patterns.

d. Any occupant of a mixed-use building may independently obtain air sampling results for such occupant’s dwelling unit and of common areas, such as hallways, if the occupant suspects that the operation of any business is in violation of subdivision b of this section. Such independently obtained air sampling results for indoor air quality may be submitted to the department or the department of health and mental hygiene as a basis for conducting an investigation by either of such agencies. If the initial and any subsequent indoor air quality sampling does

not disclose a violation of subdivision b of this section, no further investigation of indoor air quality in the area complained of shall be required.

e. Where indoor air sampling results, as a result of a complaint, an independent air sample obtained by a residential occupant or an investigation commenced by the department or the department of health and mental hygiene establishes that any business is in violation of subdivision b of this section, the department or the department of health and mental hygiene shall notify the residential occupant or the complainant and, in the case of a business, the owner or the on-site manager and the department of environmental protection of the results of the tests.

f. Where indoor air sampling results establish that any business is in violation of subdivision b of this section the department shall develop, working jointly with the department of health and mental hygiene, a mitigation plan for each such business focused upon control strategies including, but not limited to, source control, improved ventilation, air cleaning and exposure control.

g. The department shall be responsible for assuring implementation and enforcement of the mitigation plan and shall have the authority to issue a notice of violation and a compliance order pursuant to subchapter nine of chapter one of this title in order to assure compliance. Failure to comply with an order issued by the department shall subject the business to such enforcement measures as are provided for in section 24-188 of this chapter.

h. Where the department has determined that a violation of subdivision b of this section cannot be expeditiously addressed through a mitigation plan implemented pursuant to subdivision f of this section, the department shall issue notice of such determination to the business and the co-location of such business in a mixed-use building shall terminate no later than six months after such notice, unless the department makes a written finding that reasonable progress is being made towards compliance.

i. Where it has been determined by the department or the department of health and mental hygiene that a violation of subdivision b of this section has been committed in a mixed-use building by a business that uses chemicals, such violation shall be deemed to be a breach of the warranty of habitability with respect to any residential portion of such mixed-use building where such violation has occurred, and such rights as flow from a violation of the warranty of habitability shall inure to the affected occupants.

j. Where a business that uses chemicals refuses, without justification, to undertake a mitigation plan determined to be warranted by the department or the department of health and mental hygiene or fails to comply with such mitigation plan, such business and the owner of such business shall each be subject to a civil penalty of fifty dollars a day for each day for which there is a failure to comply with a mitigation plan.

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection and the commissioner of health and mental hygiene shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 580

By Council Members Gentile, Chin, Comrie, Fidler, Foster, Gonzalez, Mark-Viverito, Nelson, Palma, Vann, Williams, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring community input prior to the installation of a bike lane.

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter one of title nineteen of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§19-187 *Community input prior to installation of bike lanes. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:*

1. “Affected community board(s)” shall mean the community board(s) in whose district a proposed bike lane is to be constructed.

2. “Bike lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

b. Notwithstanding any other provision of this title, not less than sixty days prior to the commencement of construction on a bike lane, the department shall notify each affected community board of the proposed plans for the bike lane.

c. Any such community board notified may submit within fifteen days written comments including proposed changes to such plan.

d. Not less than thirty days prior to the commencement of construction of such bike lane, the department shall submit a written response to any such community board that has provided written comments. Such response shall include whether the department is accepting the recommendation of such community board, a description of where the department is not incorporating the suggestion in whole or in part, and the reason for the decision not to accept any such recommendations.

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

Referred to the Committee on Transportation.

Int. No. 581

By Council Members Greenfield, Chin, Gonzalez, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the registration and insuring of bicycles used for commercial purposes.

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 *Bicycles used for commercial purposes, registration and insurance.*

a. Notwithstanding the identification requirements set forth in paragraph one of subdivision a of section 10-157 of the code, no person, firm, partnership, joint venture, association or corporation which engages in the course of its business, either on behalf of itself or others, in delivering packages, parcels, papers or articles of any type by bicycle shall engage in such bicycle delivery activities without first having obtained a registration plate issued by the department pursuant to this section. Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle to deliver daily newspapers or circulars.

b. Upon the receipt of a registration plate from the department, the registrant shall affix the registration plate to the rear of each bicycle so that it shall be displayed in clear view. The registration plate shall be in the form of a metal, plastic or other sign issued by the department, bearing an identification number assigned by the department which identifies the bicycle and the registered owner in lettering and/or numerals so as to be plainly readable at a distance of not less than ten feet and such registrant shall maintain such registration plate in good condition.

c. As a prerequisite for obtaining a registration plate, each person, firm, partnership, joint venture, association or corporation who applies for a registration plate pursuant to this section shall provide proof of insurance coverage for the bicycle delivery activities conducted during the course of its business and for each bicycle operator engaged in such delivery activities by bicycle in amounts adequate to compensate pedestrians for personal injuries or to reimburse persons for property damage caused by a bicycle operator engaged in bicycle delivery activities conducted during the course of the registrant's business.

d. The commissioner shall promulgate such rules as may be required to effectuate the purposes of this section.

e. Any person, firm, partnership, joint venture, association or corporation who shall violate the provisions of this section shall be liable for a civil penalty of not more than one thousand dollars and any officer or employee authorized to enforce the provisions of this section shall be authorized to either (i) attach a locking device of sufficient strength and durability to the rear wheel of the bicycle to immobilize the bicycle and render the bicycle temporarily inoperable, or (ii) seize and impound the bicycle, provided however, that at the time of such immobilization and rendering inoperable or such seizure, the bicycle operator shall be given a written notice of violation explaining the procedures for obtaining removal of the locking device or release of the impounded bicycle. Any bicycle seized pursuant to this section shall be delivered into the custody of the department or other appropriate agency. The commissioner shall hold a hearing to adjudicate the violation underlying the seizure within five business days after the date of seizure and shall render his or her determination within three business days after the conclusion of the hearing.

f. Authorized officers and employees of the department, the police department and any other department designated by the commissioner, and any peace officer as defined in section 2.10 of the criminal procedure law, shall have the power to enforce any provision of this section or any rule or regulation promulgated pursuant to this section.

§2. This local law shall take effect one hundred twenty days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 582

By Council Members Halloran, Dromm, Fidler, Koppell, Mark-Viverito, Nelson, Palma, Rose, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of a system of automatic sprinklers in horse stables.

Be it enacted by the Council as follows:

Section 1. Table 17-2 of article 4 of subchapter 17 of chapter 1 of title 27 of the administrative code of the city of New York, is amended by adding a line following the last line of such table to read as follows:

TABLE 17-2 SUMMARY OF SPRINKLER REQUIREMENTS

Where Required Type of System	Automatic Sources Required	Partial System Permitted	Connection to Domestic Permitted	Alternate Permitted (§27-955)	Siamese Required (§27-959)	Central ^a Station Required (§27-955) (§27-967)	Water ^b Flow Alarm Required (§27-957)	Automatic Dry Sprinkler Permitted (§5212 of RS17)	Dry Nonautomatic Sprinkler Permitted ^c
Stables (§27-954 (aa))	1	No	Yes §27-961(c)	No	Yes	None ^a	Yes	Yes	No

§2. Subdivisions c and d of section 27-954 of the administrative code of the city of New York are amended to read as follows:

c. Buildings classified in storage occupancy group B-1 exceeding one thousand square feet in floor area, or seventy-five feet or more in height, except as modified under subdivisions a, b and c of section 27-455 of article ten of subchapter seven of this code *and in accordance with subdivision bb of this section.*

d. Spaces classified in storage occupancy group B-1 exceeding five hundred square feet in floor area, except as modified under subdivisions a, b and c of section 27-455 of article ten of subchapter seven of this code *and in accordance with subdivision bb of this section.*

§3. Section 27-954 of the administrative code of the city of New York is amended by adding a new subdivision bb to read as follows:

bb. In all existing buildings and structures classified in occupancy group B-1 that are used as stables for horses.

§4. Section 903 of the New York City building code is amended by adding a new section 903.2.8.3 to read as follows:

903.2.8.3. Horse stables. *An automatic sprinkler system shall be installed throughout all S-1 buildings and structures used as stables for horses.*

§5. Section 903 of the New York City building code is amended by adding a new section 903.2.9.4 to read as follows:

903.2.9.4. Horse stables. *An automatic sprinkler system shall be installed throughout all S-2 buildings and structures used as stables for horses.*

§6. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 583

By Council Members Jackson, Halloran, Oddo, Koo, Ignizio, Vacca, Fidler, Koppell, Palma, Rose, Williams and Ulrich.

A Local Law to amend the New York city charter in relation to the powers of the fire commissioner.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 487 of chapter 19 of the New York city charter is amended to read as follows:

§ 487. Powers. a. The commissioner shall have sole and exclusive power and perform all duties for the government, discipline, management, maintenance and direction of the fire department and the premises and property in the custody thereof, however, the commissioner shall provide written notice with supporting documentation, *including, but not limited to (i) the criteria used to make its decision (ii) the weighted average of each criterion, (iii) any rankings utilized, and (iv) copies of all data, statistics or forecasting utilized in making a determination* at least [forty five] *one hundred and eighty* days prior to the permanent closing of any firehouse or the permanent removal or relocation of *any tour of a fire fighting unit or a fire fighting unit* to the council members, community boards and borough presidents whose districts are served by such facility or unit and the chairperson of the council's [public safety] *fire and criminal justice services* committee. For the purposes of this section, the term "permanent" shall mean a time period in excess of [six] *three* months. In the event that the permanent closing of any firehouse or the permanent removal or relocation of *any tour of a firefighting unit* or firefighting unit does not occur within four months of the date of the written notice, the commissioner shall issue another written notice with *the same* supporting documentation *as detailed above* prior to such permanent removal or relocation. The four months during which the written notice is effective shall be tolled for any period in which a restraining order or injunction prohibiting the closing of such noticed facility or unit shall be in effect.

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

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 840

Resolution authorizing the Speaker to file amicus briefs on behalf of the Council (i) in support of the defendant tenants in the judicial proceedings captioned *Dime Savings Bank of Williamsburgh v. 262-272 45th St. Owners Group LLC* (Index No. 8211/2010, Kings County) and *National Bank of New York City v. 296 5th Avenue Group, LLC* (Index No. 29057/09, Kings County), for the purpose of supporting those tenants' motions which request that the court in each case order the court-appointed mortgage foreclosure receiver to cure conditions constituting violations of City and State housing maintenance laws on the subject property and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations, at the Supreme Court, Appellate Division, and/or Court of Appeals level; and (ii) in other foreclosure cases in which the same relief is appropriate.

By Council Members Lander, Gonzalez, Dilan, Dickens, Palma, Jackson, The Speaker (Council Member Quinn), and Council Members Gennaro, Comrie, Fidler, Koppell, Mendez, Nelson, Reyna, Rose, Sanders, Williams, Chin and Gentile.

Whereas, In 2009 National Bank of New York City commenced a mortgage foreclosure proceeding against the owners, tenants, and others affiliated with 296 5th Avenue in the Park Slope neighborhood of Brooklyn; and

Whereas, In 2010 The Dime Savings Bank of Williamsburgh commenced a mortgage foreclosure proceeding against the owners, tenants, and others affiliated with 262-272 45th Street in the Sunset Park neighborhood of Brooklyn; and

Whereas, Both cases are currently pending in New York State Supreme Court, Kings County; and

Whereas, In both cases the court has appointed a receiver, who is responsible for, among other things, keeping the subject properties in good repair; and

Whereas, On May 6, 2011, the defendant tenants in each case made a motion asking the court to order the court-appointed receiver to cure conditions constituting violations of the City's Housing Maintenance Code (HMC) in the premises and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations; and

Whereas, According to the tenants' moving papers, each property is in extremely poor repair: the Park Slope building has 96 outstanding housing violations, the Sunset Park property has 352 outstanding housing violations, and one of the Sunset Park buildings has been placed into the City's Alternative Enforcement Program, which targets the most distressed properties in the City; and

Whereas, The court-appointed receiver is required to prioritize his expenditures of rents and other income from the properties for which he is responsible on correcting immediately hazardous and hazardous violations of the housing maintenance laws, pursuant to Section 1325 of the Real Property Actions and Proceedings Law; and

Whereas, The Multiple Dwellings Law (MDL) and the HMC require owners to keep their properties in good repair, and the definitions of "owner" in Section 4(44) of the MDL and Section 27-2004(a)(45) of the HMC include a receiver; and

Whereas, The tenants further allege that the rent rolls of each property are insufficient to fund all necessary repairs; and

Whereas, Like many tenants in New York City, the tenants of these properties are suffering from a receiver's inability to pay for much-needed repairs because of a lack of sufficient funds to achieve compliance with housing maintenance requirements; and

Whereas, Tenants in distressed multifamily dwellings should not be victimized by violations of housing maintenance laws and be made to suffer poor housing conditions due to lending and borrowing decisions in which they did not participate; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to file amicus briefs on behalf of the Council (i) in support of the defendant tenants in the judicial proceedings captioned *Dime Savings Bank of Williamsburgh v. 262-272 45th St. Owners Group LLC* (Index No. 8211/2010, Kings County) and *National Bank of New York City v. 296 5th Avenue Group, LLC* (Index No. 29057/09, Kings County), for the purpose of supporting those tenants' motions which request that the court in each case order the court-appointed mortgage foreclosure receiver to cure conditions constituting violations of City and State housing maintenance laws on the subject property and the plaintiff bank to advance the funds necessary for the receiver to comply with his obligations, at the Supreme Court, Appellate Division, and/or Court of Appeals level; and (ii) in other foreclosure cases in which the same relief is appropriate.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 584

By Council Members Oddo, Ignizio, Vacca, Nelson, Rose, Williams, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to certain sidewalk repairs.

Be It enacted by the Council as follows:

Section 1. Section 19-152 of the administrative code of the city of New York, as amended by local law number 64 for the year 1995, is amended by amending subdivisions c and e to read as follows:

c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of [forty-five] *one hundred and twenty* days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained.

e. Upon the owner's failure to comply with such order or notice within [forty-five] *one hundred and twenty* days of service and filing thereof, or within ten days if such period is fixed by the department pursuant to subdivision d of this section, the department may perform work or cause same to be performed under the supervision of the department, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien on the property affected or otherwise. Upon entry by the city collector, in the book in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she obtains a permit from the department to perform such work as specified in the order within the time set forth therein and completes such work within ten days thereafter.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 585

By Council Members Recchia, Fidler, Gentile, Koslowitz, Rose, Williams and Ulrich.

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.

Be it enacted by the Council as follows:

Section 1. Section 801.1 of the building code of the city of New York is amended to read as follows:

801.1 Scope. Provisions of this chapter shall govern the use of materials used as interior finishes, trim, [and] decorative materials, *and adhesives and sealants*.

§2. Section BC 801 of the building code of the city of New York is amended by adding a new section 801.1.3 to read as follows:

BC 801.1.3 Volatile organic compounds. These provisions shall limit the concentration of volatile organic compounds permitted in materials used as interior finishes, trim, decorative materials, adhesives and sealants.

§3. Section 802.1 of the building code of the city of New York is amended by adding a new definition of "VOLATILE ORGANIC COMPOUND" to follow the definition of "TRIM" to read as follows:

VOLATILE ORGANIC COMPOUND. Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, as specified in part 51.100 of chapter 40 of the United States code of federal regulations.

§4. Chapter 8 of the building code of the city of New York is amended by adding a new section BC 806 to read as follows:

BC 806 VOLATILE ORGANIC COMPOUNDS

806.1 Carpet, carpet cushion and carpet adhesive. Any new carpet, carpet cushion, and carpet adhesive installed in any building shall comply with the standards in this section.

Exceptions:

1. Carpet, carpet cushion, and carpet adhesive installed in any building in occupancy group R-3 before July first, two thousand twelve.

2. Area rugs and similar non-adhered carpets.

806.1.1 Carpet cushion standards. Carpet cushion and, until July first, two thousands sixteen, carpet shall not exceed the twenty-four hour testing period concentrations of volatile organic compounds specified in Table 806.1.1.

TABLE 806.1.1

CARPET CUSHION VOLATILE ORGANIC COMPOUNDS LIMITS

<i>Volatile Organic Compound</i>	<i>Maximum Emission Factor (µg/m² per hour)</i>
<i>Burylated hydroxytoluene</i>	<i>300</i>
<i>Formaldehyde</i>	<i>50</i>
<i>4-Phenylcyclohexene (4PCH)</i>	<i>50</i>
<i>Total Volatile Organic Compounds</i>	<i>1000</i>

806.1.2 Carpet standards. Beginning July first, two thousand sixteen, carpet shall not exceed the twenty-four hour and fourteen day testing period concentrations of volatile organic compounds specified in Table 806.1.2.

TABLE 806.1.2

CARPET VOLATILE ORGANIC COMPOUNDS LIMITS

<i>Volatile Organic Compound</i>	<i>CAS#</i>	<i>24-hour Testing Period</i>		<i>14-day Testing Period</i>
		<i>Maximum Emission Factor (µg/m² per hour)</i>	<i>Maximum Air Concentration (µg/m²)</i>	<i>Maximum Emission Factor (µg/m² per hour)</i>
<i>Acetaldehyde</i>	<i>75-07-0</i>	<i>130</i>	<i>70</i>	<i>130</i>
<i>Benzene</i>	<i>71-43-2</i>	<i>55</i>	<i>30</i>	<i>55</i>
<i>Caprolactam</i>	<i>105-60-2</i>	<i>130</i>	<i>70</i>	<i>190</i>
<i>2-Ethylhexanoic Acid</i>	<i>149-57-5</i>	<i>46</i>	<i>25</i>	<i>46</i>
<i>Formaldehyde</i>	<i>50-00-0</i>	<i>30</i>	<i>16.5</i>	<i>30</i>
<i>1-Methyl-2-pyrrolidinone</i>	<i>872-50-4</i>	<i>300</i>	<i>160</i>	<i>300</i>
<i>Naphthaline</i>	<i>91-20-3</i>	<i>8.2</i>	<i>4.5</i>	<i>8.2</i>
<i>Nonanal</i>	<i>124-19-6</i>	<i>24</i>	<i>13</i>	<i>24</i>
<i>Octanal</i>	<i>124-13-0</i>	<i>13</i>	<i>7.2</i>	<i>13</i>
<i>4-Phenylcyclohexene (4PCH)</i>	<i>4994-16-5</i>	<i>50</i>	<i>27</i>	<i>50</i>
<i>Styrene</i>	<i>100-42-5</i>	<i>410</i>	<i>220</i>	<i>410</i>
<i>Toluene</i>	<i>108-88-3</i>	<i>280</i>	<i>150</i>	<i>280</i>
<i>Vinyl acetate</i>	<i>108-5-4</i>	<i>190</i>	<i>100</i>	<i>190</i>

Total Volatile Organic Compounds		500	270	NA
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806.1.3 Carpet adhesive standards. Carpet adhesive shall not exceed the twenty-four hour and fourteen day testing period concentrations of volatile organic compounds specified in Table 806.1.3.

TABLE 806.1.3

CARPET ADHESIVE VOLATILE ORGANIC COMPOUNDS LIMITS

Volatile Organic Compound	CAS#	24-hour Testing Period Maximum Emission Factor ($\mu\text{g}/\text{m}^2$ per hour)	14-day Testing Period Maximum Emission Factor ($\mu\text{g}/\text{m}^2$ per hour)
Acetaldehyde	75-07-0	130	130
Benzothiazole	95-16-9	30	30
2-Ethyl-1-Hexanol	104-76-7	300	300
Formaldehyde	50-00-0	30	30
Isooctylacrylate	29590-42-9	690	690
Methyl biphenyl	28652-72-4	95	95
1-Methyl-2 Pyrrolidinone	872-50-4	300	300
Naphthalene	91-20-3	8.2	8.2
Phenol	108-95-2	190	190
4-Phenylcyclohexene	4994-16-5	50	50
Styrene	100-42-5	410	410
Toluene	108-88-3	280	280
Vinyl acetate	108-05-4	190	190
Vinyl cyclohexene	100-40-3	85	85
Xylenes (m-, o-, p-)	N/A	650	650
Total Volatile Organic Compounds		8000	N/A

806.1.4 Testing standard. Carpet, carpet cushion, and carpet adhesive covered by this section shall be tested in accordance with ASTM D5116-06 (Standard Guide for Small-Scale Environmental Chamber Determinations of Organic Emissions from Indoor Materials/Products).

806.1.5 Review. By July first, two thousand sixteen, and at least every three years thereafter, the department, in consultation with the commissioner of health and mental hygiene, shall review the standards set forth in this section and, if necessary, make recommendations for revisions to the Council.

806.2 Interior finishes, adhesives and sealants. The commissioner shall by rule establish limits on the concentration of volatile organic compounds permitted in materials used as interior finishes, trim, decorative materials, adhesives and sealants that may be used or installed in any building or structure in the city of New York. In developing such rules, the commissioner shall consult with the commissioner of health and mental hygiene. In developing such rules for interior wall, ceiling or floor finish, the commissioner shall consider the California air resources board 2007 suggested control measure. In developing such rules for adhesives and sealants, the commissioner shall consider rule 1168 of the south coast air quality management district.

806.2.1 Review. By July first, two thousand sixteen, and at least every three years thereafter, the department, in consultation with the commissioner of health and mental hygiene, shall review the rules promulgated pursuant to this section and, if necessary, shall revise such rules.

§5. Section BC 202 of the building code of the city of New York is amended by adding a new definition for "VOLATILE ORGANIC COMPOUND" to follow the definition of "VISIBLE ALARM NOTIFICATION APPLIANCE" to read as follows:

VOLATILE ORGANIC COMPOUND. See section 802.1.

§6. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13 VOLATILE ORGANIC COMPOUNDS

§20-699.7 Prohibition. It shall be unlawful to buy or sell, offer or attempt to buy or sell, or cause any person to buy or sell any materials that do not comply with section BC 806 of the building code of the city of New York.

§20-699.8 Penalties. A person violating section 20-699.7 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more

than five hundred dollars for the first violation. Subsequent violations shall be subject to civil penalties of not less than five hundred dollars nor more than one thousand dollars for each violation.

§7. This local law shall take effect eighteen months 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 Environmental Protection.

Res. No. 841

Resolution calling upon the New York State Legislature to pass A.885 and S.437 to change the publication requirements for limited liability companies and to eliminate the filing fees for publication.

By Council Members Reyna, Comrie, James, Koppell and Recchia.

Whereas, The New York State Legislature is considering A.885 and S.437, an act to amend the limited liability company law and the arts and cultural affairs law, in relation to publication requirements, and to repeal section 206 of the limited liability company law, relating to affidavits of publication; and

Whereas, The legislation would eliminate the requirement for new limited liability companies (LLCs) to publish a notice of formation in two newspapers as set forth in LLC Law Section 206; and

Whereas, Under current law, section 206 of the limited liability company law requires that after the articles of organization have been filed, the LLC must publish a copy of the articles or a notice of their substance; and

Whereas, A copy of the articles of organization or a notice of their substance must be published once a week, for six consecutive weeks, in two newspapers, one weekly and one daily, in the county where the LLC is located; and

Whereas, Depending on the county in which the LLC is located, the cost to publish can range from \$450 to over \$1000; and

Whereas, The LLC is then required to file an affidavit of publications within 120 days and pay an additional fee of \$50; and

Whereas, These unnecessary and expensive requirements are prohibitive and discourage the formation of LLC establishments; and

Whereas, There are no similar requirements in the Business Corporation Law; and

Whereas, The State legislation would, amongst its provisions, repeal section 206 of the limited liability company law; and

Whereas, The legislation would also reduce the financial and administrative requirements by establishing a fee of \$50 for the on-line filing of documents with the Department of State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.885 and S.437 to change the publication requirements for limited liability companies and to eliminate the filing fees for publication.

Referred to the Committee on Small Business.

Res. No. 842

Resolution calling on the New York State Assembly to pass and the Governor to sign A.2264-A, which would amend the New York State Penal Law by establishing criminal sanctions for patronizing a prostitute and promoting prostitution within one thousand feet of school grounds.

By Council Members Rivera, Chin, Comrie, Fidler, James, Koslowitz, Mendez, Palma, Recchia, Rose, Sanders, Williams and Ulrich.

Whereas, Prostitution continues to be a blight on New York City neighborhoods; and

Whereas, For example, the area surrounding the West Farms elementary school, located in the Bronx, has been inundated by prostitutes; and

Whereas, According to The New York Times, prostitutes are known to have sex inside a tent visible to students near the school's playground, resulting in students being exposed to the lewd nature of the sex trade industry; and

Whereas, There have been accounts of hypodermic needles and used condoms being strewn across the school's grounds, resulting in custodians having to hastily dispose of these biohazards before students arrive in the morning; and

Whereas, While there are enhanced criminal penalties for certain crimes committed near schools, prostitution is not one of them; and

Whereas, A.2264-A, currently pending in the New York State Assembly, seeks to enhance criminal punishments for individuals participating in prostitution; and

Whereas, A.2264-A would make it a class E felony for any person patronizing a prostitute or promoting prostitution within one thousand feet of school grounds; and

Whereas, A.2264-A would make it a class C felony for any person who knowingly advances or profits from prostitution by managing, supervising, controlling or owning a prostitution business located within one thousand feet of school grounds; and

Whereas, S.1313-A, the companion bill to A.2264-A, was passed by the New York State Senate on May 10, 2011 and delivered to the Assembly on the same date; and

Whereas, Enacting A.2264-A would help remove prostitutes from around schools by providing law enforcement with the ability to better combat prostitution, giving the district attorneys the authority to prosecute such individuals under enhanced penalties, and ensuring students of a safer learning environment; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass and the Governor to sign A.2264-A, which would amend the New York State Penal Law by establishing criminal sanctions for patronizing a prostitute and promoting prostitution within one thousand feet of school grounds.

Referred to the Committee on Public Safety.

Int. No. 586

By Council Members Rodriguez, Vacca, Gentile, Dromm, James, Koslowitz, Nelson, Palma, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to limiting alternate side parking restrictions to ninety minute intervals.

Be it enacted by the Council as follows:

Section 1. Chapter two of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 to read as follows:

§ 19-175.4 *Time limit for alternate side parking restrictions.* a. *Alternate side parking restrictions shall be limited to ninety minute intervals.*

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

Referred to the Committee on Transportation.

Int. No. 587

By Council Members Rodriguez, Fidler, Koppell and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to consent by an owner of residential real property who receives real property tax benefits to provide access to city agencies.

Be it enacted by the Council as follows:

Section 1. Section 11-245 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. *No benefit under section four hundred twenty-one-a of the real property tax law shall be conferred unless the owner of the property for which the benefit is sought consents to provide access to an authorized representative of any city agency upon the request of such agency for such governmental purposes as the respective city agency deems appropriate. Such request for access need not be made in writing and may be made to any owner of the property or to any representative of such owner who has direct or indirect control of the property and such consent to access shall remain in effect for so long as the benefits are conferred. Any agency whose representative is not able to gain access to a property for an appropriate governmental purpose shall immediately notify the commissioner and the commissioner of housing preservation and development. If the commissioner or the commissioner of housing preservation and development determines that there has been an inappropriate failure to provide access as required by this subdivision or any document executed by such owner reflecting such consent on at least two separate occasions, the commissioner shall be authorized to prospectively terminate any benefit conferred upon such property in accordance with this section.*

§2. Section 11-243 of the administrative code of the city of New York is amended by adding a new subdivision ee to read as follows:

ee. *No benefit under section four hundred eighty nine of the real property tax law shall be conferred unless the owner of the property for which the benefit is sought consents to provide access to an authorized representative of any city agency for such governmental purposes as the respective city agency deems appropriate upon the request of such agency. Such request for access need not be made in writing and may be made to any owner of the property or to any representative of such owner who has direct or indirect control of the property and such consent to*

access shall remain in effect for so long as the benefits are conferred. Any agency whose representative is not able to gain access to a property for an appropriate governmental purpose shall immediately notify the commissioner and the commissioner of housing preservation and development. If the commissioner or the commissioner of housing preservation and development determines that there has been an inappropriate failure to provide access as required by this subdivision or any document executed by such owner reflecting such consent on two consecutive occasions, the commissioner shall be authorized to prospectively terminate any benefit conferred upon such property in accordance with this section.

§3. Section 28-103.14 of the administrative code of the city of New York is amended to read as follows:

§28-103.14 Department records. The department shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, [and] notices and orders issued, *and tax benefits conferred with respect to each building and the land upon which it rests.* Such records shall be retained in the official records for the period required for retention of public records. *Records relating to tax benefits shall be made available to the general public on the department's website.*

§4. This local law shall take effect ninety days after its enactment and shall apply to any application for benefits under sections 421-a or 489 of the real property tax law where such benefits have not been conferred as of such effective date, except that, the commissioner of housing preservation and development, in conjunction with the commissioner of finance, shall take all measures necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 588

By Council Members Rodriguez, Dromm, Chin, Fidler, Foster, Gentile, James, Lander, Mendez, Nelson, Palma, Sanders and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to denying permits to developers who have repeatedly been found to violate the city's building codes and zoning laws.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new section 28-105.13 to read as follows:

§28-105.13 *Authority to deny permits to developers who have been found to repeatedly violate building and zoning laws.* *The commissioner shall have the discretion to deny any permit to a developer who has been found to have repeatedly violated one or more provisions of titles twenty-seven or twenty-eight of the administrative code of the city of New York, the New York city zoning resolution, and all applicable rules and regulations. For the purpose of this section, "developer" shall mean any individual, corporation, limited liability company, partnership or other entity and anyone acting on behalf of such individual, corporation, limited liability company, partnership or other entity with respect to the construction, alteration, or demolition of a building or structure or the excavation of a site for the construction of a new building or structure.*

§2. This local law shall take effect ninety days from its enactment, except that the commissioner shall promulgate any rules and perform all other actions necessary for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 843

Resolution calling on the New York State Legislature to amend the New York State Labor Law in relation to apprenticeship training programs, to enable the City of New York to reverse chronic long term unemployment in certain neighborhoods.

By Council Members Seabrook, Chin, Comrie, Dickens, Foster, James, Palma, Rose, Vann, Williams and Koo.

Whereas, Section 810 of Article 23 of the New York State Labor Law points out that apprenticeship programs, through supervised training and education, develop skilled craftsmen and help meet the increasing needs for such workers in the State's labor force; and

Whereas, The same statute states that continued development of skilled manpower is essential for individual self-realization and for an expanding industrial economy; and

Whereas, Section 810 of Article 23 of the New York State Labor Law mandates as a matter of public policy, that the State develop sound apprenticeship

training standards and encourage industry and labor to institute apprenticeship training programs; and

Whereas, The New York State Labor Law should be amended to enable the City of New York to reverse the pattern of chronic long term unemployment in certain neighborhoods; and

Whereas, These amendments should link apprenticeship training programs to conservation, renewable energy, broadband installation and construction work efforts inherent in the American Recovery and Reinvestment Act; and

Whereas, Amendments should require that pre-apprenticeship and apprenticeship programs in New York City enroll a defined significant percentage of trainees from neighborhoods suffering from long term chronic unemployment, and

Whereas, In addition, these amendments should authorize the operation of year round pre-apprenticeship and apprenticeship programs within schools, including those under the jurisdiction of the New York City Department of Education; and

Whereas, Furthermore, the statute should include enhanced equal employment opportunity mandates to be monitored by compliance officers to improve access to union jobs and to better enable the City to reverse the chronic long term unemployment which disproportionately affects communities of color; 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 Labor Law in relation to apprenticeship training programs, to enable the City of New York to reverse chronic long term unemployment in certain neighborhoods.

Referred to the Committee on Civil Service and Labor.

Res. No. 844

Resolution in support of S.2994, which would amend the New York State Penal Law to require firearm owners to register their firearms on an annual basis with the county clerk's office in the county where the owner resides, except in New York City where residents would be required to register their firearms at their local police precincts.

By Council Members Seabrook, Comrie, Foster, James, Mark-Viverito, Palma, Recchia, Rose, Vann and Williams.

Whereas, Gun violence claimed the lives of over 30,000 people in the United States each year for the past several years; and

Whereas, In 2010, there were 536 homicides in New York City, 61% of which were caused by a gun; and

Whereas, New York State, with the exception of New York City, does not require an adult to register a rifle or a shotgun; and

Whereas, Throughout New York State adults are required to register their handguns; and

Whereas, A uniform law requiring the registration of all firearms would benefit all New Yorkers; and

Whereas, Benefits associated with a firearm registration requirement include giving law enforcement officials the ability to trace guns and conduct investigations when guns are recovered; and

Whereas, In order to ensure that all firearms are properly tracked, Senator Eric Adams introduced S.2994, which would amend the Penal Law to require gun owners to register their firearms on an annual basis with the county clerk's office in the county where the individual resides, except in New York City where residents would be required to register such firearms at their local police precincts; and

Whereas, If enacted, S.2994 would require all firearm owners to obtain photo identification registration cards by submitting applications with the following information: brief description of each firearm registered including any serial number, the owner's contact information, and the location where the gun will be stored when not in use; additionally, if the application involves a newly acquired firearm, the owner would be required to state where and how such firearm was acquired; and

Whereas, S.2994 would establish an application fee of \$15 for each firearm registered and a \$10 renewal fee; and

Whereas, S.2994 would require firearm owners to notify the registering office whenever the owner no longer possesses the firearm; and

Whereas, S.2994 would penalize those firearm owners who fail to comply with the law by charging them with a misdemeanor; and

Whereas, New York State should enact S.2994 in order to ensure that all firearms circulating in New York State can be properly tracked; now, therefore, be it

Resolved, That the Council of the City of New York supports S.2994, which would amend the New York State Penal Law to require firearm owners to register their firearms on an annual basis with the county clerk's office in the county where the owner resides, except in New York City where residents would be required to register their firearms at their local police precincts.

Referred to the Committee on Public Safety.

Int. No. 589

By Council Members Weprin, Comrie, Fidler, James, Koslowitz, Nelson, Rose, Williams, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to exempting bus stops from requirements of maintenance by property owners.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-152 of the administrative code of the city of New York is amended to read as follows:

§19-152 Duties and obligations of property owner with respect to sidewalks and lots. a. *Except as provided in subdivision t of this section*, [T]he owner of any real property, at his or her own cost and expense, shall (1) install, construct, repave, reconstruct and repair the sidewalk flags in front of or abutting such property, including but not limited to the intersection quadrant for corner property, and (2) fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property whenever the commissioner of the department shall so order or direct. The commissioner shall so order or direct the owner to reinstall, construct, reconstruct, repave or repair a defective sidewalk flag in front of or abutting such property, including but not limited to the intersection quadrant for corner property or fence any vacant lot or lots, fill any sunken lot or lots and/or cut down any raised lots comprising part or all of such property after an inspection of such real property by a departmental inspector. The commissioner shall not direct the owner to reinstall, reconstruct, repave or repair a sidewalk flag which was damaged by the city, its agents or any contractor employed by the city during the course of a city capital construction project. The commissioner shall direct the owner to install, reinstall, construct, reconstruct, repave or repair only those sidewalk flags which contain a substantial defect. For the purposes of this subdivision, a substantial defect shall include any of the following:

1. where one or more sidewalk flags is missing or where the sidewalk was never built;
2. one or more sidewalk flag(s) are cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. an undermined sidewalk flag below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. a trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to one half inch or where a sidewalk flag contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth;
5. improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. hardware defects which shall mean (i) hardware or other appurtenances not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than one inch when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition;
7. a defect involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets such common joint and one other joint;
8. non-compliance with DOT specifications for sidewalk construction; and
9. patchwork which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs (1) through (8) of this subdivision.

§2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. This section shall not apply to bus stops. For purposes of this section, the term "bus stop" shall mean a location designated by signage for vehicles under the jurisdiction of the metropolitan transit authority to pick up or discharge passengers, which location includes five feet of the sidewalk and the gutter immediately adjacent to the curb for the portion of such curb. The term "bus stop" shall not include locations that subsequent to enactment of this subdivision cease being bus stops as defined by this subdivision six months following such cessation.

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

Referred to the Committee on Transportation.

L.U. No. 393

By Council Member Recchia:

Kingsbridge Court, Block 3248, Lot 150, Bronx, Council District No. 14

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 394

By Council Member Recchia:

South Bronx Community Management Project, Council Districts 8 and 17

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 395

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 396

By Council Member Comrie:

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), Article I, Chapter 4 (Sidewalk Café Regulations), and Appendix F, Borough of Manhattan, Community District 4, Council District no. 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 397

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 398

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 399

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 400

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 401

By Council Member Comrie:

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.

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

L.U. No. 402

By Council Member Comrie:

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.

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

L.U. No. 403

By Council Member Comrie:

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.

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

L.U. No. 404

By Council Member Comrie:

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.

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

L.U. No. 405

By Council Member Comrie:

Application no. 20115564 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of JVRS Group LLC d.b.a.OPM Restaurant & Club, to establish, maintain and operate an unenclosed sidewalk café located at 3202 Emmons Avenue, Borough of Brooklyn, Council District no. 46. 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. 406

By Council Member Comrie:

Application no. 20115563 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Steelbar 180 Incorporated d.b.a. Percy's Tavern, to establish, maintain and operate an unenclosed sidewalk café located at 210 Avenue A, Borough of Manhattan, Council District no. 2. 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. 407

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 408

By Council Member Comrie:

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.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Due To The Exigencies Of The Budget Adoption, 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

Friday, May 27, 2011

★ Addition

Committee on LOWER MANHATTAN REDEVELOPMENT10:00 A.M.

Tour: East River Waterfront Project

Location: East side corner of South Street and John Street

One Block South of Pier 17

..... Margaret Chin, Chairperson

Tuesday, May 31, 2011

★ Addition

Committee on GOVERNMENTAL OPERATIONS...9:00 A.M.

Oversight - Demonstration of the City's New Online "One-Click" Adjudication Program

Hearing Room - 250 Broadway, 14th Floor Gale Brewer, Chairperson

★ Note Location Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Emigrant Savings Bank - 49-51 Chambers Street
10:00 - 11:30	Human Resources Administration / Social Services	General Welfare
11:30 - 1:30	Administration for Children's Services (Agency for Child Development)	General Welfare and Women's Issues
1:30 - 3:30	Homeless Services	General Welfare
3:30 - 4:15	Administration for Children's Services (Juvenile Justice Issues)	General Welfare and Juvenile Justice

Wednesday, June 1, 2011

★ Note Location Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Emigrant Savings Bank - 49-51 Chambers Street
10:00 - 1:00	Education (Expense)	Education
1:00 - 1:45	Citywide Administrative Services	Governmental Operations
1:45 - 2:45	Board of Elections	Governmental Operations
2:45 - 3:30	Campaign Finance Board	Governmental Operations
3:30 - 4:15	Law Department	Governmental Operations

Thursday, June 2, 2011

Subcommittee on ZONING & FRANCHISES9:30 A.M.

See Land Use Calendar Available Friday, May 27, 2011

Committee Room - 250 Broadway, 14th Floor Mark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING &

MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Friday, May 27, 2011
 Committee Room– 250 Broadway, 14th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS..... 1:00 P.M.**
See Land Use Calendar Available Friday, May 27, 2011
 Committee Room – 250 Broadway, 14th Floor..... Stephen Levin, Chairperson

★Note Addition

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: 16th Floor Committee Room 250 Broadway
10:00 - 10:30	Transportation (Expense)	Transportation
10:30 - 11:30	Transportation (Capital)	Transportation
11:30 - 12:00	MTA NYC Transit (Capital)	Transportation
12:00 - 12:30	MTA NYC Transit (Expense)	Transportation
12:30 - 1:15	Taxi & Limousine Commission	Transportation
★1:15 - 2:00	NYCHA	Public Housing

Friday, June 3, 2011

★ Note Location Change ★★Note Addition

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee ★ Location: Emigrant Savings Bank – 49-51 Chambers Street
10:00 - 12:00	Aging	Aging and Subcommittee on Senior Centers
12:00 - 1:30	City University of New York	Higher Education
★★ 1:30 - 2:30	Parks & Recreation	Parks & Recreation

Monday, June 6, 2011

★ Note Location Changes

Time	Agency Testifying	Finance Committee ★ Location: Emigrant Savings Bank – 49-51 Chambers Street
10:00 - 1:00	Office of Management & Budget - Overview of Budgets - Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 - 2:30	Finance	Finance
2:30 – 3:00	Comptroller	Finance
3:00 - 3:30	Independent Budget Office	Finance
3:30	Public	

Tuesday, June 7, 2011

Committee on **TRANSPORTATION..... 10:00 A.M.**
 Agenda to be announce
 Committee Room – 250 Broadway, 14th FloorJames Vacca, 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 FloorLeroy Comrie, Chairperson

Committee on **HOUSING AND BUILDINGS** jointly with the Committee on **FIRE AND CRIMINAL JUSTICE SERVICES..... 1:00 P.M.**
Int 240 - By Council Members Vallone Jr., Gentile, Koppell, Nelson and Halloran - **A Local Law** to amend the administrative code of the city of New York, in relation to illegal residential conversions.
Int 368 - By Council Members Koppell, Palma, Vann, Rodriguez, Vacca, Gentile and Nelson - **A Local Law** to amend the administrative code of the city of New York, in relation to inspections by the department of buildings.
Oversight – Access Denied: Examining the City's Response to Illegal Use and Illegal Conversion Complaints
 Committee Room – 250 Broadway, 16th Floor Erik Martin-Dilan, Chairperson

Friday, June 10, 2011

Committee on **PARKS AND RECREATION10:00 A.M.**
 Agenda to be announce
 Committee Room – 250 Broadway, 14th Floor Melissa Mark-Viverito, Chairperson

Committee on **WOMEN'S ISSUES10:00 A.M.**
 Agenda to be announce
 Committee Room– 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

Committee on **EDUCATION 1:00 P.M.**
 Oversight - Combatting Bullying in NYC Schools.
 Committee Room– 250 Broadway, 16th Floor.....Robert Jackson, Chairperson

Committee on **YOUTH SERVICES 1:00 P.M.**
 Agenda to be announce
 Committee Room – 250 Broadway, 14th Floor Lewis A. Fidler, Chairperson

Tuesday, June 14, 2011

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

At this point, the Speaker (Council Member Quinn) asked the President Pro Tempore (Council Member Rivera) to declare the Meeting in recess.

THE COUNCIL**Minutes of the
RECESSED MEETING**

of
Thursday, May 26, 2011
held on
Tuesday, June 14, 2011, 1:30 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.

There were 47 Council Members present at this Recessed Meeting of May 26, 2011 held on June 14, 2011 in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

Editor's Note: The Stated Council Meeting of May 26, 2011 was opened and subsequently recessed on May 26, 2011 before being re-opened and adjourned on June 14, 2011. This Recessed Meeting held on June 14, 2011, therefore, is the continuation of the Stated Council Meeting of May 26, 2011. For attendance purposes, a Council Member will be considered present for the Stated Council Meeting of May 26, 2011 if that Council Member attended any of the meetings that together constitute this particular Stated Meeting, i.e., the Stated Council Meeting held on May 26, 2011 and the Recessed Meeting of May 26, 2011 held on June 14, 2011.

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these brief proceedings to immediately open and meet again for the scheduled Stated Council Meeting of June 14, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 341-A, 347-A, 358-A, and 537, all adopted at the April 6, 2011 Stated Council Meeting, were signed by the Mayor into law on April 29, 2011 as, respectively, Local Law Nos. 20, 21, 22, and 23 of 2011.

Int Nos. 498-A, 505-A, 508-A, 511-A, 517-A, and 528-A, all adopted at the April 6, 2011 Stated Council Meeting, became law on May 7, 2011 pursuant to City Charter mandate due to Mayoral inaction within the Charter prescribed time period and were assigned as, respectively, Local Law Nos. 24, 25, 26, 27, 28 and 29 of 2011.

Int Nos. 287-A, 334-A, 458-A, 466-A, and 467-A, all adopted at the April 28, 2011 Stated Council Meeting, were signed by the Mayor into law on May 16, 2011 as, respectively, Local Law Nos. 30, 31, 32, 33, and 34 of 2011.

Int No. 521-A, adopted at the May 11, 2011 Stated Council Meeting, was signed by the Mayor into law as Local Law 35 of 2011.

