

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, May 8, 2019, 2:00 p.m.

The Majority Leader (Council Member Cumbo)
presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

| | | |
|-------------------------|---------------------|----------------------|
| Adrienne E. Adams | Barry S. Grodenchik | Donovan J. Richards |
| Alicia Ampry-Samuel | Robert F. Holden | Carlina Rivera |
| Diana Ayala | Ben Kallos | Ydanis A. Rodriguez |
| Inez D. Barron | Andy L. King | Deborah L. Rose |
| Joseph C. Borelli | Peter A. Koo | Helen K. Rosenthal |
| Fernando Cabrera | Karen Koslowitz | Rafael Salamanca, Jr |
| Margaret S. Chin | Rory I. Lancman | Ritchie J. Torres |
| Andrew Cohen | Bradford S. Lander | Mark Treyger |
| Costa G. Constantinides | Mark D. Levine | Paul A. Vallone |
| Robert E. Cornegy, Jr | Alan N. Maisel | James G. Van Bramer |
| Laurie A. Cumbo | Steven Matteo | Kalman Yeger |
| Chaim M. Deutsch | Carlos Menchaca | |
| Ruben Diaz, Sr. | I. Daneek Miller | |
| Daniel Dromm | Francisco P. Moya | |
| Rafael L. Espinal, Jr | Bill Perkins | |
| Mathieu Eugene | Keith Powers | |
| Vanessa L. Gibson | Antonio Reynoso | |

Absent: Council Member Ulrich.

Paternity Leave: Council Member Levin.

Medical Leave: Council Member Brannan.

Bereavement Leave: Council Member Gjonaj.

There is presently a vacant seat in the Council pending the swearing-in of the certified winner of the scheduled May 14, 2019 Special Election to be held in the 45th Council District (Brooklyn).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

There were 46 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by: Imam Zafeer Ali, Director of ICNA Al Markaz Masjid located at 166-26 89th Ave, Jamaica, NY 11432.

Peace and blessings be upon you in the name of God,
the most gracious, the most merciful.

Let's pray.

We thank you *Allah*, almighty God, for all your favors and blessings.

We thank you for the position we hold,
the opportunities and responsibilities we have
to serve your people in New York City.

Our Lord, we ask you to guide and help
our City Council Speaker, Corey Johnson,
Public Advocate, Jumaane Williams, Majority Leader, Laurie Cumbo,
Council Members and our city's public servants
to lead the City in best manner and in the right direction.

Almighty God, give them the strength and ability
so they can treat our New York residents
equally, justfully and respectfully.

In this blessed month of *Ramadan* and fasting,
we ask you our Lord to shower us,
our City and nation with your mercy.

We ask you to protect our nation and world from all evil.
We ask you *Allah*, to help us all, to keep us all, our family,
our school, colleges, our official buildings
and our houses of worship,
safe and protected.

We ask you to make us good humans, better citizens,
loving caring for all.

We ask you God to bless all of us.

Our Lord, accept our supplication,
Amen.

Council Member Miller moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

Andrea Pollidore, her stepson, and four young children died in an early morning fire in Harlem on May 8, 2019. The Speaker (Council Member Johnson) noted that Council Member Perkins was working with the FDNY and OEM in his district to help the community deal with the consequences of this tragedy. He also thanked the Fire Department for their quick response to the fire scene. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest condolences to the surviving members of the Pollidore family

The Speaker (Council Member Johnson) acknowledged the recent deaths of nine more first responders who succumbed to 9/11 related illnesses: Air Force National Guardsman Mark C. Pelton, 52; Bellmore-Merrick EMS Chief Thomas DeFrancisci, 61; New Jersey State Police Sergeant Brian U. McCoy, 57; FDNY Captain Howard Venetsky; NYPD Detective Charles Humphrey; NYPD Officer Patrick T. McGovern, 43; NYPD Detective Lisa Rosado, 51; NYPD Officer Jeffrey F. Healy, 52; and NYPD Detective Lawrence J. “Larry” Cummings, 74. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to their families and friends. He also wished to applaud the work of the New York Congressional Delegation for their efforts to fully fund the 9/11 Victims’ Compensation Fund.

Lawrence J. Hanley, 62, the international president of the Amalgamated Transit Union, died on May 7, 2019. The Speaker (Council Member Johnson) noted that Mr. Hanley had spent his life fighting for worker’s rights. On behalf of the Council, he extended his deepest condolences to his family.

Judge Richard A. Brown, the long-time District Attorney of Queens County, passed away at the age of 86 on May 4, 2019. The Speaker (Council Member Johnson) noted that Judge Brown had spent decades of public service at every level of government and expressed his extraordinary gratitude for his service.

Former Council Member Lew Fidler, who represented the 46th District in Southern Brooklyn from 2002 to 2013, passed away on May 5, 2019 at the age of 62. The Speaker (Council Member Johnson) praised him as a champion for the young people which society often neglects. As chair of the Youth Services committee, Council Member Fidler advocated for emergency and transitional housing for runaway and homeless youth and sought to provide places where LGBTQ youth would feel safe and accepted. He had also called for the expansion of the Summer Youth Employment Program. Council Member Fidler was a champion for the environment as well and had sponsored groundbreaking legislation banning the use of Styrofoam. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest condolences to his wife Robin and his sons Max and Henry. Those assembled in the Chambers offered a round of applause for the late Council Member Lew Fidler.

Robert Pear, 69, New York Times reporter, died on May 7, 2019. He wrote for the New York Times for forty years and was recognized as one of the most accomplished health care writers in the United States. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest sympathies to Mr. Pear’s colleagues, friends, and family.

At this point, a Moment of Silence was observed in the Council Chambers.

ADOPTION OF MINUTES

Council Member Koslowitz moved that the Minutes of the Stated Meeting of March 28, 2019 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-152

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2020, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-153

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2020, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-154

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2020 Community Development Program, the Proposed CFY'20 Budget, the Proposed Reallocations-the CD XLV Funds, Proposed CD XLVI Statement of Objectives and Budget, dated April 25, 2019.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-155

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2020 pursuant to Section 250 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-156

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2020, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-157

Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2020.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-158

Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Citywide Savings Program relative to the Executive Budget, Fiscal Year 2020, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-159

Communication from the Mayor – Submitting the Ten-Year Capital Strategy, Fiscal Year 2020-2029.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-160

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2020 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.

April 25, 2019

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

- Honorable Ruben Diaz, Jr., Bronx Borough President
- Honorable Eric L. Adams, Brooklyn Borough President
- Honorable Gale A. Brewer, Manhattan Borough President
- Honorable Melinda R. Katz, Queens Borough President
- Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2020 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

| | | |
|------|---------|---------|
| 2020 | \$9,418 | Million |
| 2021 | 10,554 | Million |
| 2022 | 12,264 | Million |
| 2023 | 14,033 | Million |

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2020 — 2023:

| | | |
|------|---------|---------|
| 2020 | \$7,422 | Million |
| 2021 | 8,571 | Million |
| 2022 | 10,164 | Million |
| 2023 | 11,778 | Million |

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so

financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2020 — 2023:

| | | |
|------|---------|---------|
| 2020 | \$1,996 | Million |
| 2021 | 1,983 | Million |
| 2022 | 2,100 | Million |
| 2023 | 2,255 | Million |

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2020, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

| | | |
|------|----------|---------|
| 2020 | \$10,855 | Million |
| 2021 | 11,502 | Million |
| 2022 | 15,817 | Million |
| 2023 | 15,769 | Million |

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-161

Joseph Puma, a resident of Manhattan, candidate for re-designation by the Council and subsequent re-appointment by the Mayor to the New York City Civilian Complaint Review Board, pursuant to § 440 (b)(1) of the New York City Charter. Mr. Puma will be eligible to serve for the remainder of a three-year term that expires on July 4, 2021.

(For text of the related Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-161 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-162

Nathan N. Joseph, a resident of Staten Island, candidate for re-designation by the Council and subsequent re-appointment by the Mayor to the New York City Civilian Complaint Review Board, pursuant to § 440 (b)(1) of the New York City Charter. Mr. Joseph will be eligible to serve for a three-year term that will begin on July 5, 2019 and expires on July 4, 2022.

(For text of the related Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-162 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-163

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules 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 Application No. C 190115 PPR and (Special Bay Street Corridor District) shall be subject to Council review. This application are related to Application Nos. C 190113 ZMR, C 190114(A) ZRR, and C 190179(A) HAR.

Coupled on Call-Up Vote.

M-164

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules 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 Application No. C 190127 PQM (Manhattanville Walkway 437 West 126th Street) shall be subject to Council review. This application is related to Application No. C 190128 HAM.

Coupled on Call-Up Vote.

M-165

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 190208 PPX and C 190210 ZSX (Brook 156) shall be subject to Council review. These applications are related to Application Nos. C 190207 ZMX and C 190209 ZRX.

Coupled on Call-Up Vote.

M-166

By Council Member Richards:

Pursuant to Rule 11.20(b) of the Council Rules 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 Application No. C 180517 MMQ (JFK North Site) shall be subject to Council review.

Coupled on Call-Up Vote.

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

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

At this point, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) 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 Finance

At this point, the Speaker (Council Member Johnson) 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. 405

Report of the Committee on Finance in favor of approving Putnam Gardens, Block 3271, Lot 125; Bronx, Community District No. 18, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 8, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

May 7, 2019

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of May 7, 2019 - Resolution approving a tax exemption for five Land Use items (Council Districts 11, 18, and 29)

Item 1: Putnam Gardens Portfolio

The Putnam Gardens project is a single-building portfolio comprised of 90 residential units located at 3815 Putnam Avenue West in the Bronx, consisting of 13 one-bedroom apartments, 76 two-bedroom apartments, and one superintendent unit.

Under the proposed project, 3815 Putnam Housing Development Fund Corporation (HDFC) will acquire the referenced property and Putnam-Deegan, L.P. will be the beneficial owner and will operate the property. The HDFC and the L.P. will finance the rehabilitation of the property with a loan from the New York City Housing Development Corporation (HDC).

The Department of Housing Preservation and Development (HPD) is requesting that the Council approve a 30-year, partial Article XI property tax exemption for the portfolio. HPD, HDC, and the HDFC will enter into a regulatory agreement that will require that the units be leased only to households within income tiers between 80% and 95% of Area Median Income (AMI). Additionally, the project will include a homeless set aside

requirement in which 10% of the units (or nine units), upon turnover, will be required to be filled with referrals of eligible homeless tenants.

The building currently receives a 421-a tax exemption that will expire in 2027. In order to facilitate the project, HPD will authorize the termination of the 421-a tax exemption so that it may be replaced with the Article XI exemption, if approved. Upon being approved by the Council, the Article XI exemption will become effective on the fifth-anniversary of the date that HPD, HDC, and the HDFC enter into the regulatory agreement.

Summary:

- Borough – Bronx
- Block 3271, Lot 125
- Council District – 11
- Council Member – Cohen
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 90
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor(s) – 3815 Putnam HDFC; Putnam-Deegan, L.P
- Purpose – preservation
- Cost to the City - \$4.2 million
- Housing Code Violations –
 - Class A: 3
 - Class B: 12
- AMI targets – 56 units up to 80% AMI, and 33 units up to 95% of AMI

Item 2: 2997 Marion Avenue

The 2997 Marion Avenue project will be a newly-constructed 18-unit building located in the Bedford Park neighborhood of the Bronx, consisting of 13 studios and five one-bedroom apartments.

Under the proposed project, NFW Marion HDFC will acquire the property and NFW Marion LLC will be the beneficial owner and operate the property. The HDFC and the LLC, will finance the acquisition and construction of the Exemption Area with a loan from HPD.

HPD is requesting that the Council approve a 40-year, full Article XI property tax exemption for the portfolio. HPD and the HDFC will then enter into a regulatory agreement that will require the units be leased only to households within income tiers between 77% and 95% of AMI.

Summary:

- Borough – Bronx
- Block 3281, Lot 23
- Council District – 11
- Council Member – Cohen
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 18
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing

- Sponsor(s) – NFW Marion LLC; NFW Group LLC; Erin Development Member LLC; Forsyth Street Advisors; NFW Marion HDFC
- Purpose – new construction
- Cost to the City - \$977,000
- Housing Code Violations – N/A
- AMI targets – 2 units up to 77% AMI; 16 units up to 95% of AMI

Item 3: Soundview Homeownership – Phase III

The Soundview Homeownership – Phase III project will consist of ten, four-story multifamily buildings on land presently owned by the New York City Housing Authority (NYCHA) at 1715-1739 Lacombe Avenue and 351-359 Bronx River Avenue in the Bronx. The project will consist of 27 one-bedrooms, 33 two-bedrooms and 12 three-bedrooms, as well as 19 onsite residential parking spaces and 25 offsite residential parking spaces within the NYCHA campus.

Under the proposed project, Soundview Park Townhomes HDFC will acquire the property and Soundview Park Townhomes LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will finance the construction of the project with loans from HPD and the New York State Affordable Housing Corporation.

As NYCHA-owned property, it is not currently subject to real property taxation. This tax-exempt status will terminate upon NYCHA's conveyance of the project to the HDFC. In order to facilitate the project, HPD is requesting that the Council approve a 40-year, full Article XI property tax exemption for the portfolio. HPD and the HDFC will then enter into a regulatory agreement that will require that the units be sold only to households within income tiers of 85% and 93% of AMI.

Summary:

- Borough – Bronx
- Block 3515, Lot 20
- Council District – 18
- Council Member – Diaz
- Council Member approval – Yes
- Number of buildings – 10
- Number of units – 72
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor(s) – Lemle & Wolff, Inc.
- Purpose – new construction
- Cost to the City - \$1.46 million
- Housing Code Violations – N/A
- AMI targets – 10 units at up to 85% AMI, 50 units at up to 90% AMI, and 12 units at up to at 93% AMI.

Item 4: Apex Place Phase I Portfolio

The Apex Place Phase I project will be a newly-constructed building comprised of 183 residential units, a community facility space, garage and surface parking, located at 62-11 108th Street in Queens. The building will consist of 16 studio apartments, 77 one-bedroom apartments, 74 two-bedroom apartments, and 16 three-bedroom apartments.

Under the proposed project, Apex Place HDFC will acquire the property and Apex Place Associates, L.P. will be the beneficial owner and will operate the property. The HDFC and the L.P. will finance the acquisition and construction of the property with loans from HDC and HPD and low-income housing tax credits.

HPD is requesting that the Council approve a 40-year, full Article XI property tax exemption for the portfolio. HPD, HDC, and the HDFC will then enter into a regulatory agreement that will require that the units be leased only to households within income tiers of 40%, 50%, 70%, 110% and 130% of AMI. Of the 183 residential units, 18 units will be set aside for homeless families under the Our Space initiative and 74 units, which will be tax credit units, will be designated as affordable with 37 units to households earning up to 50% of AMI and 37 units to households earning up to 70% of AMI. The remaining 91 units will be designated as affordable, with 46 units at income levels up to 110% of AMI and 45 units of income levels up to 130% of AMI.

On November 16, 2017, Council approved an Article XI exemption on Block 2159, Lot 2, which stated that the exemption applied to all land in the Exemption Area but only applied to buildings on the Exemption Area that exist on the effective date of the exemption. As of August 17, 2018, Lot 2 split into Lots 2, 20, 50, and 80. In order to facilitate the proposed project and extend the exemption to the new construction, the prior exemption will be terminated and replaced with the new Article XI exemption, if approved.

Summary:

- Borough – Queens
- Block 2159, Lot 80
- Council District – 29
- Council Member – Koslowitz
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 183
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor(s) – Apex Place HDFC; Apex Place Associates, L.P.
- Purpose – new construction
- Cost to the City - \$16.5 million
- Housing Code Violations – N/A
- AMI targets – 18 units up to 40% of AMI, 37 units up to 50% AMI, 37 units up to 70% AMI, 46 units up to 110% AMI and 45 units up to 130% AMI

Item 5: Apex Place Phase II Portfolio

The Apex Place Phase II project will be two newly-constructed buildings comprised of a total of 259 residential units and a community facility space, located at 110-41 Colonial Avenue and 108-75 62nd Drive in Queens. The portfolio consists of 23 studio apartments, 94 one-bedroom apartments, 119 two-bedroom apartments (inclusive of one superintendent's unit), and 23 three-bedroom apartments.

Under the proposed project, Apex Place II HDFC will acquire the property and Apex Place II Associates, L.P. will be the beneficial owner and will operate the property. The HDFC and the L.P. will finance the acquisition and construction of the property with loans from HDC and HPD and low-income housing tax credits.

HPD is requesting that the Council approve a 40-year, full Article XI property tax exemption for the portfolio. HPD, HDC, and the HDFC will then enter into a regulatory agreement that will require that the units be leased only to households within income tiers of 40%, 50%, 70%, 110% and 130% of AMI. Of the 259 residential units, 26 units will be set aside for homeless families under the Our Space initiative and 104 units, which will be tax credit units, will be designated as affordable with 52 units to households earning up to 50% of AMI and 52 units to households earning up to 70% of AMI. The remaining 128 units will be designated as affordable, with 64 units at income levels up to 110% of AMI and 64 units of income levels up to 130% of AMI.

On November 16, 2017, Council approved an Article XI exemption on Block 2159, Lot 2, which stated that the exemption applied to all land in the Exemption Area but only applied to buildings on the Exemption Area that exist on the effective date of the exemption. As of August 17, 2018, Lot 2 split into Lots 2, 20, 50, and 80. In order to facilitate the proposed project and extend the exemption to the new construction, the prior exemption will be terminated and replaced with the new Article XI exemption, if approved.

Summary:

- Borough – Queens
- Block 2159, Lots 20 and 50
- Council District – 29
- Council Member – Koslowitz
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 259
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor(s) – Apex Place II HDFC; Apex Place II Associates, L.P.
- Purpose – new construction
- Cost to the City – \$19 million
- Housing Code Violations – N/A
- AMI targets – 26 units up to 40% AMI, 52 units up to 50% AMI, 52 units up to 70% AMI, 64 units up to 110% AMI and 64 units up to 130% AMI.

(For text of the coupled resolutions for L.U. Nos. 406, 407, 408, and 409, please see the Report of the Committee on Finance for L.U. Nos. 406, 407, 408, and 409, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 409, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 405, 406, 407, 408, and 409.

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

Res. No. 871

Resolution approving an exemption from real property taxes for property located at (Block 3271, Lot 125) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 405).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 10, 2019 that the Council take the following action regarding a housing project located at (Block 3271, Lot 125) 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 has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the earlier of the following dates to occur after the conveyance of the Exemption Area to the HDFC: (i) the fifth anniversary of the date that HPD, HDC, and the Owner enter into the Regulatory Agreement, or (ii) July 1, 2024.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3271, Lot 125 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - e. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to three and three-fourths percent (3.75%) of the Gross Rent in the tax year in which such real property tax payment is made for three (3) tax years commencing upon the Effective Date, and for each tax year thereafter until the Expiration Date, an amount equal to seven and three-fourths percent (7.75%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - g. “HDC” shall mean the New York City Housing Development Corporation.

- h. "HDFC" shall mean 3815 Putnam Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. "Owner" shall mean, collectively, the HDFC and the Partnership.
 - l. "Partnership" shall mean Putnam-Deegan, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - m. "Prior Exemption" shall mean the existing tax exemption of the Exemption Area pursuant to Section 421-a (1-15) of the Real Property Tax Law.
 - n. "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the Owner that is executed after March 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility 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 Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or 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, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity 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 New Exemption, the owner of the Exemption Area shall, for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 406

Report of the Committee on Finance in favor of a Resolution approving Apex Place Phase I, Block 2159, Lot 80; Queens, Community District No. 6, Council District No. 29.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 8, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 405 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 872

Resolution approving an exemption from real property taxes for property located at (Block 2159, Lot 80) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 406).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 10, 2019 that the Council take the following action regarding a housing project located at (Block 2159, Lot 80) Queens, (“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 has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HDC, HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 2159, Lot 80 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDC” shall mean the New York City Housing Development Corporation.
 - f. “HDFC” shall mean Apex Place Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

- i. "Owner" shall mean, collectively, the HDFC and the Partnership.
 - j. "Partnership" shall mean Apex Place Associates, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - k. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on November 16, 2017 (Resolution No. 1718).
 - l. "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), 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. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or 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, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 407

Report of the Committee on Finance in favor of a Resolution approving Apex Place Phase II, Block 2159, Lots 20 and 50; Queens, Community District No. 6, Council District No. 29.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 8, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 405 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 873

Resolution approving an exemption from real property taxes for property located at (Block 2159, Lots 20 and 50) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 407).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 10, 2019 that the Council take the following action regarding a housing project located at (Block 2159, Lots 20 and 50) Queens, (“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 has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HDC, HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 2159, Lots 20 and 50 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDC” shall mean the New York City Housing Development Corporation.
 - f. “HDFC” shall mean Apex Place II Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - i. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - j. “Partnership” shall mean Apex Place II Associates, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on November 16, 2017 (Resolution No. 1718).
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), 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. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or 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, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 408

Report of the Committee on Finance in favor of approving Soundview Homeownership-Phase III, Block 3515, Lot 20; Bronx, Community District No. 9, Council District No. 18.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 8, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 405 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 874

Resolution approving an exemption from real property taxes for property located at (Block 3515, Lot 20) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 408).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 11, 2019 that the Council take the following action regarding a housing project located at (Block 3515, Lot 20) Bronx:

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 (“HDFC”) under Article XI of the Private Housing Finance Law;

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Soundview Park Townhomes LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

- c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3515, Lot 20 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean Soundview Park Townhomes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
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, commercial, or community facility 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 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, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or 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, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 409

Report of the Committee on Finance in favor of approving 2997 Marion Avenue, Block 3281, Lot 23; Bronx, Community District No. 7, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 8, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 405 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 875

Resolution approving an exemption from real property taxes for property located at (Block 3281, Lot 23) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 409).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 3, 2019 that the Council take the following action regarding a housing project located at (Block 3281, Lot 23) Bronx:

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 (“HDFC”) under Article XI of the Private Housing Finance Law;

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

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean NFW Marion LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3281, Lot 23 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean NFW Marion Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
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, commercial, or community facility 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 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, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or 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, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Emergency Management

Report for Int. No. 562-A

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the New York city fire code, in relation to the posting of hurricane evacuation zone and evacuation center information in multiple dwellings.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 792), respectfully

REPORTS:

I. Introduction

On May 8, 2018, the Committee on Fire and Emergency Management, chaired by Joseph C. Borelli, voted on Prop. Int. No. 562-A. The Committee voted in favor of the bill by a vote of three affirmatives, none opposed, and no abstentions. The Committee previously held a hearing on this bill on October 15, 2018, and received testimony from the New York City Office of Emergency Management (“OEM”), and other interested parties.

II. Analysis of Prop. Int. No. 562-A

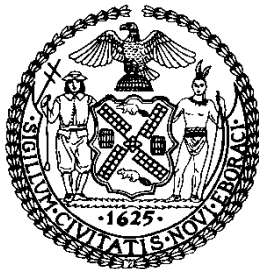
This legislation requires that all multiple dwelling residential buildings, located within a hurricane evacuation zone as determined by the City’s Office of Emergency Management, post written information in a common area within the building that lists the relevant hurricane evacuation zone, information related to the presence of evacuation centers and directions on how to determine the location of the nearest evacuation center.

The bill would take effect 120 days after it became law.

III. Amendments to Prop. Int. No. 562-A

As introduced, the legislation required the posted notices to include reference to the three closest evacuation centers to the residence. The legislation has since been amended to remove reference to the above mentioned specific locations, as those facilities can change at any time, and instead informs residents of the presence of such evacuation centers and provides information on how an individual can confirm the location of the nearest active evacuation center.

(The following is the text of the Fiscal Impact Statement for Int. No. 562-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 562-A

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the New York city fire code, in relation to the posting of hurricane evacuation zone and evacuation center information in multiple dwellings

SPONSOR(S): Council Members Treyger and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. 562-A would require the owners of multiple dwellings to post notice in the common area of those buildings stating the relevant hurricane evacuation zone number and providing information on the presence of evacuation centers.

EFFECTIVE DATE: The local law would take effect 120 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the requirements of the legislation and the cost of posting the notices would be borne by non-City entities.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Fire Department of New York

ESTIMATE PREPARED BY: Ana Maria Camelo Vega, Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division
Regina Poreda-Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced by the City Council as Intro. 562 on February 14, 2018 and was referred to the Committee on Fire and Emergency Management. A hearing was held by the Committee on Fire and Emergency Management on October 15, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 562-A, will be voted on by the Committee on Fire and Emergency Management on May 7, 2019. Upon successful vote by the Committee, Proposed Intro. 562-A will be voted on by the full Council on May 8, 2019.

DATE PREPARED: May 3, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 562-A)

Int. No. 562-A

By Council Members Treyger, Rosenthal, Kallos, Constantinides, Chin, Deutsch, Ayala and Eugene.

A Local Law to amend the New York city fire code, in relation to the posting of hurricane evacuation zone and evacuation center information in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Section FC406 of the New York city fire code, is amended by adding a new provision, FC406.2.3: 406.2.3 *Hurricane evacuation notices. The owner of any Group R-2 building or occupancy within a hurricane evacuation zone, as designated by the commissioner of the office of emergency management, shall cause a hurricane evacuation notice to be posted within the building or occupancy. Such notice shall serve to inform building occupants of the current hurricane evacuation zone designation for that building and the methodology for determining their closest hurricane evacuation centers, through 311 or the online Hurricane Evacuation Zone finder. Such notice shall be in such form as prescribed by the commissioner by rule and shall be posted within a common area of the building and such other locations as set forth in the rules.*

§ 2. This local law takes effect 120 days after becoming law.

JOSEPH C. BORELLI, Chairperson; FERNANDO CABRERA, CHAIM M. DEUTSCH; ALAN N. MAISEL, JUSTIN BRANNAN; Committee on Fire and Emergency Management, May 8, 2019.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 59-A

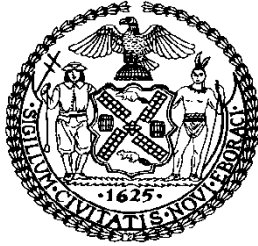
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 194), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 59-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 59-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers.

SPONSORS: Council Members Cornegy, Lancman, Kallos, Rosenthal and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 59-A would expand the existing written disclosure requirement for building owners contacting rent-regulated tenant to offer a buy-out by requiring them to also provide information about median asking rents in the same community district and further apprising the tenant of the risks that the tenant may not be able to rent a similar unit in the same community district. The bill would also require the Department of Housing Preservation and Development (HPD) to submit to the Mayor and the Council and make publically available online, an annual report that details the median asking rents for dwelling units, disaggregated by Community District and, if available, by the number of bedrooms. This bill would also require persons making buyout offers to make certain disclosures.

EFFECTIVE DATE: This legislation would take effect on October 15, 2019, except that HPD’s annual reporting requirement would take effect immediately, with its first report due no later than September 1, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement its provisions.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 31, 2018 as Intro. No. 59 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 59-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 59-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 1, 2019.

Accordingly, this Committee recommends its adoption, as amended.

Int. No. 59-A

By Council Members Cornegy, Lancman, Kallos, Rosenthal, Perkins, Rivera and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers

Be it enacted by the Council as follows:

Section 1. Subparagraph f-2 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 82 of 2015, is amended to read as follows:

f-2. contacting any person lawfully entitled to occupancy of such dwelling unit to offer money or other valuable consideration to induce such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, unless such owner discloses to such person in writing (i) at the time of the initial contact, and (ii) in the event that contacts continue more than 180 days after the prior written disclosure, at the time of the first contact occurring more than 180 days after the prior written disclosure:

- (1) the purpose of such contact,
- (2) that such person may reject any such offer and may continue to occupy such dwelling unit,
- (3) that such person may seek the guidance of an attorney regarding any such offer and may, for information on accessing legal services, refer to The ABCs of Housing guide on the department's website,
- (4) that such contact is made by or on behalf of such owner, [and]
- (5) that such person may, in writing, refuse any such contact and such refusal would bar such contact for 180 days, except that the owner may contact such person regarding such an offer if given express permission by a court of competent jurisdiction or if notified in writing by such person of an interest in receiving such an offer[;].

(6)(i) *the median asking rent for a dwelling unit in the same community district, provided that the department has reported such data pursuant to section 27-2096.2, within the previous twelve-month period; or (ii) the median asking rent for a dwelling unit in the same community district with the same number of bedrooms, provided that the department has reported such data, pursuant to section 27-2096.2, within the previous twelve-month period,*

(7) *that there is no guarantee that such person will be able to rent a dwelling unit in the same community district with the same number of bedrooms as the dwelling unit that such person is currently lawfully entitled to occupancy of, for the same rent such person is paying at the time of such contact, and*

(8) *that additional factors may impact the ability of such person to rent a dwelling unit, including, but not limited to, the current employment and credit history of such person;*

§ 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.2 to read as follows:

§ 27-2096.2 *Median asking rents. By no later than September 1, 2019 and by September 1 of every year thereafter, the commissioner shall, upon the availability of a statistically significant and representative sample of data, submit to the mayor and the speaker of the council, and publish online, a listing of median asking rents*

for dwelling units, disaggregated by community district and, if such data is available in a statistically significant and representative sample, by the number of bedrooms.

§ 3. This local law takes effect on October 15, 2019, except that section 2 shall take effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 551-A

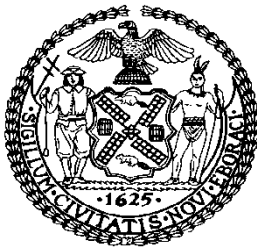
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to filing information regarding buyout agreements.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 775), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 551-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 551-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to filing information regarding buyout agreements

SPONSORS: Council Members Levine, Lancman, Kallos and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 551-A would require that building owners that enter into “buyout agreements” with their tenants, submit information about the terms of the agreement to the Department of Housing Preservation and Development (HPD) within 90 days of execution. A buyout agreement would be defined as offering money or other valuable consideration to induce a tenant to vacate his or her apartment or to surrender or waive any rights in relation to such occupancy. The bill would also make a building owner’s failure

to file the terms of a buyout agreement within 90 days of execution liable for a non-hazardous violation. The bill would also require HPD to submit an annual report to the Mayor and Council that details the number of buyout agreements executed during the prior calendar year, the amount of money agreed upon, the date of execution, and the number of months remaining in the lease for the covered dwelling unit, no later than January 31 of each year..

EFFECTIVE DATE: This legislation would take effect July 1, 2020, except that HPD may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While the administering agency is authorized to impose civil penalties to building owners that fail to provide information with respect to a buyout agreement, this estimate assumes owners would fully comply with the provisions of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement its provisions.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 14, 2018 as Intro. No. 551 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 551-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 551-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: April 25, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 551-A:)

Int. No. 551-A

By Council Members Levine, Lancman, Kallos, Rosenthal, Rivera and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to filing information regarding buyout agreements

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 24 to read as follows:

*CHAPTER 24
BUYOUT AGREEMENT FILING REQUIREMENTS*

§ 26-2401 Application.

§ 26-2402 Definitions.

§ 26-2403 Owner filing requirements.

§ 26-2404 Department reporting requirements.

§ 26-2405 Penalties and enforcement.

§ 26-2401 Application. This chapter applies to all buyout agreements executed on or after the effective date of this chapter.

§ 26-2402 Definitions. As used in this chapter:

Buyout agreement. The term "buyout agreement" means an agreement wherein the owner of a dwelling unit exchanges money or other valuable consideration to induce any person lawfully entitled to occupancy of such unit to surrender or waive any rights in relation to such occupancy that results in the tenant vacating such unit.

Commissioner. The term "commissioner" means the commissioner of housing preservation and development and any successor thereto.

Department. The term "department" means the department of housing preservation and development and any successor thereto.

§ 26-2403 Owner filing requirements. Within 90 days after the execution of a buyout agreement for a dwelling unit, the owner of such unit must electronically provide the following to the department in a manner prescribed by the commissioner of the department:

- 1. The name of the owner;*
- 2. The address of the dwelling unit that is the subject of the buyout agreement;*
- 3. The amount of money or, if applicable, a description of other valuable consideration agreed upon in the buyout agreement. If such other valuable consideration included the dismissal of a pending action or proceeding, the caption, index number and county in which the pending action or proceeding was venued;*
- 4. The date that the buyout agreement was executed; and*
- 5. The amount of time, in months, remaining in the lease for the subject dwelling unit, provided that a tenant with a legal right to a lease renewal pursuant to state law shall be indicated as having an unlimited number of months remaining.*

§ 26-2404 Department reporting requirements. No later than January 31, 2021, and by January 31 of each year thereafter, the commissioner shall submit a report to the mayor and the speaker of the council that contains the total number of buyout agreements executed during the prior calendar year. Such report shall include, but need not be limited to, the following for each census tract:

- 1. The amount of money or other consideration agreed upon in each such agreement;*
- 2. The date that each such agreement was executed; and*
- 3. The amount of time, in months, remaining in the lease for the dwelling unit subject to such agreement, provided that a tenant with a legal right to a lease renewal pursuant to state law shall be indicated as having an unlimited number of months remaining.*

§ 26-2405 Penalties and enforcement. An owner who is required to file a buyout agreement under this chapter and who fails to file in the time required by section 26-2403 shall be liable for a non-hazardous violation pursuant to section 27-2115.

§ 2. This local law takes effect July 1, 2020, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 975-A

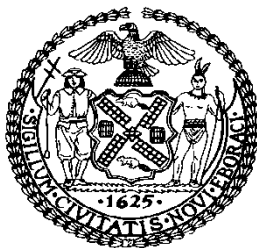
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 7, 2018 (Minutes, page 2139), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 975-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 975-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations.

SPONSORS: Council Members Brannan, Holden, Koslowitz, Yeager, Lancman, Kallos, Vallone and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 975-A would require the Department of Buildings (DOB) to compile a list every six months of multiple dwellings with 35 units or less that have a ratio of three or more open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major

construction code violations per unit, and of multiple dwellings with 35 units or more that have a ratio of two or more open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit. The bill would require DOB to deny building permits for multiple dwellings on these lists.

The bill would provide certain exceptions to this prohibition, such as for condominiums or cooperatives, and would exempt permits sought to correct outstanding DOB or Department of Housing Preservation and Development (HPD) violations, permits necessary to protect public health and safety, properties that are the subject of certain court proceedings, and permits required for certain DOB or HPD programs.

EFFECTIVE DATE: This local law would take effect 210 days after it becomes law, except that the DOB Commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | De minimis | De minimis | De minimis |
| Expenditures | \$0 | \$0 | \$0 |
| Net | De minimis | De minimis | De minimis |

IMPACT ON REVENUES: DOB collects revenue from the issuance of building permits, including new buildings and major and minor alterations to existing buildings. According to information available on NYC Open Data, from January 2018 to December 2018, DOB issued approximately 97,824 building permits for major and minor alterations of existing buildings. Of these, 89,320 permits were issued to residential buildings. In 2018, on average, each permit issued by DOB generated about \$1,704 in revenue for the City. However, due to data limitations, it is not known how many multiple dwellings would be captured under the violation criteria outlined under the bill. In addition, it is not known how many building owners might be denied a building permit in accordance with the legislation. To the extent that this legislation would cause an entity to be denied a permit it would have received in the absence of this legislation, this would result in a loss of revenue to the City. Assuming the number of permits issued and the collection rate remains relatively constant, it is estimated that foregone revenue from qualifying owners under this legislation would result in minimal to no impact on revenues following the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
 Department of Buildings
 NYC Open Data

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
 Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 7, 2018 as Intro. No. 975 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 975-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 975-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 5, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 975-A:)

Int. No. 975-A

By Council Members Brannan, Holden, Koslowitz, Yeager, Lancman, Kallos, Vallone, Rosenthal, Rivera and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

§ 28-105.1.3 Denial of permits for excessive violations. *The commissioner shall, no less than once every six months, compile a list of multiple dwellings that includes: (i) all multiple dwellings containing fewer than 35 units that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate three or more such violations for every dwelling unit in such multiple dwelling; and (ii) all multiple dwellings containing 35 units or more that have a ratio of open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations that equal in the aggregate two or more such violations for every dwelling unit in such multiple dwelling. The commissioner shall not issue permits for multiple dwellings on such list. If the owner of a multiple dwelling on such list corrects open hazardous or immediately hazardous housing maintenance code violations or immediately hazardous or major construction code violations in such multiple dwelling so that the ratio of such violations to the number of dwelling units in such multiple dwelling falls below those outlined in this section, the commissioner shall remove such multiple dwelling from such list. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.*

Exceptions:

1. *Where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule.*
2. *Where the issuance of such permit is necessary to perform work to protect public health and safety.*
3. *For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.*

4. *Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.*
5. *Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*
6. *Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.*
7. *For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.*

§ 2. This local law takes effect 210 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 977-A

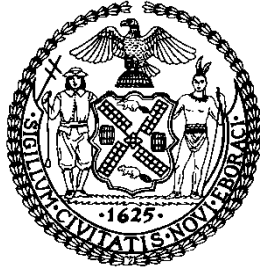
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to sanctions for submitting incorrect professionally certified applications for construction document approval.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 7, 2018 (Minutes, page 2143), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 977-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 977-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to sanctions for submitting incorrect professionally certified applications for construction document approval.

SPONSORS: Council Members Reynoso, Holden, Lancman, Kallos, Vallone, Rosenthal and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 977-A would permit the Department of Buildings (DOB) to sanction registered design professionals who submit two professionally certified applications for construction document approval within any 12-month period that contain errors and result in a stop work order. It would also require that DOB to maintain a database of registered design professionals who have been excluded, suspended or otherwise sanctioned by DOB.

EFFECTIVE DATE: This legislation would take effect 120 days after it becomes law, except that the Commissioner of the Department of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council as on June 7, 2018 as Intro. No. 977 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 977-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: April 30, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 977-A:)

Int. No. 977-A

By Council Members Reynoso, Holden, Lancman, Kallos, Vallone, Rosenthal, Perkins, Rivera and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to sanctions for submitting incorrect professionally certified applications for construction document approval

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York is amended to read as follows:

§ 28-104.2.1.3.2 Mandatory sanctions. The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. *The commissioner may, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order.* The term “otherwise condition” shall mean limitations on such professional’s participation in the program, such as, but not limited to, audits and monitoring of the registered design professional’s applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

§ 2. Section 28-104.2.1.4 of the administrative code of the city of New York is amended to read as follows:

§ 28-104.2.1.4 Database. The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department. Within 7 business days of the date a sanction is imposed, the department shall post on its website, *in a non-proprietary machine-readable format that permits automated processing*, and shall make available upon request, the name of the registered design professional, a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional within 30 days of such request.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1107-A

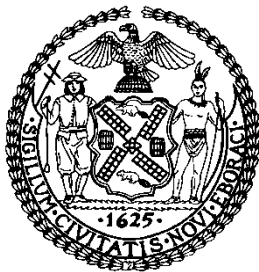
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 12, 2018 (Minutes, page 3486), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1107-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1107-A
COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans.

SPONSORS: Council Members Rosenthal, Ayala, Lancman and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1107-A would require contractors to prepare and submit for approval tenant protection plans when seeking a permit to perform construction. The legislation would also require statements by owners and contractors regarding the occupancy of a building and the scope of work of a construction project. Lastly, this legislation would allow the option to submit phased tenant protection plans to reflect the current stage of work.

EFFECTIVE DATE: This local law takes effect nine months after it becomes law, except that the Commissioner of the Department of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 12, 2018 as Intro. No. 1107 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1107-A, will be considered by the Committee on May 7, 2019. Upon successful vote by the Committee, the legislation will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: April 30, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1107-A:)

Int. No. 1107-A

By Council Members Rosenthal, Ayala, Lancman, Kallos, Perkins and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans

Be it enacted by the Council as follows:

Section 1. Section 28-104.7 of the administrative code of the city of New York is amended by adding a new section 28-104.7.16 to read as follows:

§ 28-104.7.16 Tenant protection plan. *The title sheet of construction documents shall contain a statement requiring a tenant protection plan be submitted in accordance with the requirements of article 120 prior to the issuance of a permit for alteration, construction or partial demolition work in a building containing one or more occupied dwelling units.*

§ 2. Section 28-104.8 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-104.8 Applications. All applications shall comply with sections 28-104.8.1 through [28-104.8.4] 28-104.8.3.

§ 3. Item 2 of section 28-104.8.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is repealed and items 3 and 4 of section 28-104.8.1 are renumbered 2 and 3, respectively.

§ 4. Section 28-104.8.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§28-104.8.2 Owner [statement] statements. The application shall contain a signed statement by the owner, and, in the case of cooperative or condominium forms of ownership, the application shall also contain a statement by the cooperative or condominium board, affirming that the applicant is authorized to make the application and, if applicable, acknowledging that construction and related documents will be accepted with less than full examination by the department based on the professional certification of the applicant. Such statement shall list the owner's full name and address, as well as the names of the principal officers, partners or other principals if a corporation, partnership or other entity. Principal officers of a corporation shall be deemed to include the president, vice presidents, secretary and treasurer. Where a current deed holder with a valid property interest or a court appointed entity or equivalent in charge of the property, or in the case of a cooperative or condominium unit, the cooperative or condominium board, notifies the department in writing that the applicant does not have authority to make the application, the department is authorized pursuant to section 28-104.2.10 to revoke approval of construction documents. *In addition, the application shall contain the following:*

- 1. A signed statement certifying whether the building to be altered, constructed or demolished contains one or more occupied dwelling units;*
- 2. A signed statement indicating whether the building to be altered, constructed or demolished contains housing accommodations subject to rent control or rent stabilization under chapters 3 and 4 of title 26 of the administrative code or rent regulation under Article 7-C of the Multiple Dwelling Law; and*
- 3. If the building to be altered, constructed or demolished contains occupied housing accommodations subject to rent control under chapter 3 of title 26 of the administrative code, the application shall contain*

a signed statement indicating that the owner has notified the New York state division of homes and community renewal that the owner has complied with all requirements imposed by the regulations of such agency as preconditions for such filing; or that the owner has not notified such agency because the nature and scope of the work proposed, pursuant to such regulations, does not require notification; or, if the building is subject to Article 7-C of the Multiple Dwelling Law, the application shall contain a signed statement indicating that the owner will notify the New York City Loft Board of the filing of the construction documents and will comply with all requirements imposed by Multiple Dwelling Law Article 7-C and the Loft Board's rules.

§ 5. Chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to add a new article 120, and section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 154 for the year 2017, is renumbered 28-120.1 and amended to read as follows:

ARTICLE 120
TENANT PROTECTION PLAN

[§ 28-104.8.4] § 28-120.1 Tenant protection plan. [Construction documents] *A tenant protection plan shall be prepared and submitted for the alteration[s], construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction [shall include a tenant protection plan], including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code compliant,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:*

1. Egress. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control, and maintenance of sanitary facilities[, and limitation of noise to acceptable levels] shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants.

6. Noise restrictions. *Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included.* Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. *Notification of the disruption must be given to all affected occupants of occupied dwelling units.*

Exception: *In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:*

1. *Work in occupied one- and two-family homes.*
2. *Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.*

[§ 28-104.8.4.1] § 28-120.1.1 Public availability of tenant protection plan. Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.

[§ 28-104.8.4.2] § 28-120.1.2 Provision of copy of tenant protection plan to occupants upon request. The owner of a building undergoing work for which a tenant protection plan is required by section [28-104.8.4] 28-120.1 shall, upon request from an occupant of a dwelling unit within such building, provide such occupant with a paper copy of the tenant protection plan approved by the department.

[§ 28-104.8.4.3] § 28-120.1.3 Notice to occupants. Upon issuance of a permit for work containing a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit [or] and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;
2. The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable, or, if there is no site safety manager, site safety coordinator or superintendent of construction, the name and contact information of the owner of the building or such owner's designee; and

3. A statement that occupants of the building may call 311 to make complaints about the work.

§ 28-120.2 Phased tenant protection plans. *Multiple layouts of the tenant protection features enumerated in section 28-120.1 may be submitted at any time during construction operations to show phased tenant protection plan designs consistent with the phase of anticipated work. Layouts submitted subsequent to a previously approved tenant protection plan shall constitute an amendment to such plan. Such amended plan shall be approved by the department prior to the commencement of the work requiring such amended plan.*

§ 28-120.3 Contractor statement. *The permit holder for the underlying alteration, construction, or partial demolition shall sign a statement certifying that the tenant protection plan submitted by the registered design professional coordinates with the scope of work intended.*

Exception: *This statement shall not be required for:*

1. *Work in occupied one- and two-family homes.*
2. *Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner -occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.*

§ 6. Section 28-105.12 of the administrative code of the city of New York, is amended by adding a new section 28-105.12.10 to read as follows:

§28-105.12.10 Tenant protection plan required. *Where a tenant protection plan is required by article 120, all work shall adhere to the tenant protection plan.*

§ 7. Section BC 110.3.7 of the building code of the city of New York, as added by local law number 154 for the year 2017, is amended to read as follows:

110.3.7 Tenant protection plan compliance inspections. For buildings undergoing work for which a tenant protection plan is required by [section 28-104.8.4] *Article 120 of Title 28 of the [administrative code] Administrative Code*, inspections shall be made by the department to determine compliance with the tenant protection plan.

§ 8. Section BC 3303.10.1 of the building code of the city of New York, as amended by local law number 141 for the year 2013 and further amended by local law number 154 for the year 2017, is amended to read as follows:

3303.10.1 Tenant protection plan. In buildings containing *any* occupied dwelling units, including newly constructed buildings that are partially occupied where work is still ongoing within the building, all *alteration, construction, or partial* demolition work shall be performed in accordance with a tenant protection plan as required by [Chapter 1] *Article 120 of Title 28 of the Administrative Code.*

§ 9. Section 27–2009.2 (d) of the administrative code of the city of New York as amended by local law number 159 for the year 2017, is amended to read as follows:

d. Tenant protection plan. When notice is required pursuant to this section, the owner shall (i) distribute a notice meeting the requirements of [section 28-104.8.4.3 of the code] *article 120 of title 28 of the administrative code* regarding the tenant protection plan to each occupied dwelling unit [or] and (ii) post such notice in a conspicuous manner in the building lobby, as well as on each floor within 10 feet of the elevator, or in a building where there is no elevator, within 10 feet of the main stairwell on such floor.

§ 10. This local law takes effect nine months after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1171-A

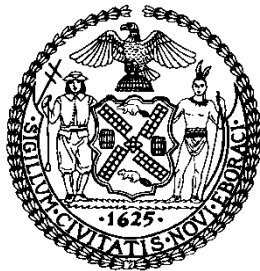
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3900), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1171-A:



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO: 1171-A
 COMMITTEE: **Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the Department of Buildings

SPONSORS: Council Members Torres, The Public Advocate (Mr. Williams), Powers, Rivera, Kallos, Chin, Lancman and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. No. 1171-A would require the Department of Buildings (DOB) and the Department of Finance (DOF) to share certain information in order to identify cases of false statements

regarding occupied and rent-regulated housing. It would also require DOB to request information from the Division of Housing & Community Renewal to identify false statements regarding occupied and rent-regulated housing. The legislation would require DOB to conduct an audit of an owner’s whole portfolio of properties using information obtained from DOB if the owner has been caught either failing to obtain a building permit or submitting false statements regarding occupied and rent-regulated housing on an application for a building permit. Lastly, when DOB has made a finding that an owner made a false statement, the legislation would require DOB to: (a) send written notice to the NYC Council, the Department of Investigations, the Division of Housing and Community Renewal, and the Tenant Protection Unit; (b) refer the matter to the relevant District Attorney and the Attorney General for potential criminal prosecution; and (c) report on the punitive actions it took in every case in which it found evidence of a falsified application for a building permit.

EFFECTIVE DATE: This legislation would take effect 180 days after it becomes law, except that the Commissioner of the Department of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on October 17, 2018 as Intro. No. 1171 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1171-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: April 30, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1171-A:)

Int. No. 1171-A

By Council Members Torres, the Public Advocate (Mr. Williams), Powers, Rivera, Kallos, Chin, Lancman, Rosenthal and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings

Be it enacted by the Council as follows:

Section 1. Section 28-211.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding new sections 28-211.1.3 and 28-211.1.4 to read as follows:

§ 28-211.1.3 Notification to other government agencies. *Where the department makes a determination that a person has violated section 28-211.1, the department shall send written notice to the council, the department of investigation, New York state division of housing and community renewal and the state tenant protection unit, and shall refer such finding to the district attorney of the county in which the property is located and the state attorney general.*

§ 28-211.1.4 Reporting. *By no later than January 30 of each year, the department shall submit a report to the mayor and to the speaker of the council that indicates the actions it took in every instance in which it made a determination that a person had violated section 28-211.1.*

§ 2. Article 211 of title 28 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding a new section 28-211.3 to read as follows:

§ 28-211.3 Identifying unlawful statements. *The department, in coordination with the department of finance, shall collect information from the department of finance regarding occupied and rent regulated buildings to identify violations of section 28-211.1. The department shall also request information from the New York state division of housing and community renewal regarding occupied and rent regulated buildings to identify violations of section 28-211.1.*

§ 28-211.3.1 Required audits. *If the department determines that a person has violated section 28-211.1, or that the person has performed work in violation of section 28-105.1 in a building that is occupied as a dwelling, the department shall conduct an audit of filings for all buildings owned by such person and located in the city to determine if other violations of 28-211.1 have occurred with respect to other buildings owned by such person. If more than five amendments to approved construction documents have been submitted to the department within a six month period for a single building, and where such amendments indicate (i) a change in occupancy, (ii) a change in whether the building contains occupied housing accommodations subject to rent control or rent stabilization under chapters 3 and 4 of title 26 of the code or (iii) a change that would require the person to submit an application for a new permit to the department, the department shall conduct an audit of all properties owned by such person and located in the city to determine if any statements were made that are unlawful pursuant to section 28-211.1. At least once per year, the department shall audit no less than 25 percent of buildings placed on the watch list established by article 3 of subchapter 4 of chapter 2 of title 27 for compliance with building permit requirements, including whether section 28-211.1 has been violated.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1241-A

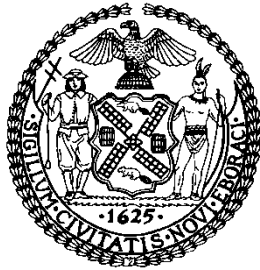
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4515), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1241-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1241-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans.

SPONSORS: Council Members Ampry-Samuel, Lander, Lancman, Ayala, Kallos, Vallone, Rosenthal, and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1241-A would expand penalties for violating the Department of Buildings' professional certification program to apply to the offending professional's supervisor.

EFFECTIVE DATE: This legislation would take effect 90 days after it becomes law, except that the Commissioner of the Department of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 28, 2018 as Intro. No. 1241 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1241-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 1, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1241-A:)

Int. No. 1241-A

By Council Members Ampry-Samuel, Lander, Lancman, Ayala, Kallos, Vallone, Rosenthal, Perkins, Rivera and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.2 Program requirements. The commissioner may establish qualifications and requirements for registered design professionals to participate in such program and may exclude, suspend or otherwise sanction participants for cause. *The commissioner shall send an annual notification to registered design professionals who are currently participating in this program notifying them, in a manner to be determined by the commissioner, of the grounds upon which they may be excluded, suspended or otherwise sanctioned.*

§ 2. Section 28-104.2.1.3.2 of the administrative code of the city of New York, as amended by a local law for the year 2019 in relation to sanctions for submitting incorrect professionally certified applications for construction document approval, as proposed in introduction number 977-A for the year 2018, is amended to read as follows:

§ 28-104.2.1.3.2 Mandatory sanctions. The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend or otherwise condition the participation of a registered design professional who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related document[s] that contains false information or is not in compliance with all applicable provisions of law, [or] (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws, or (iii) knowingly orders or directs another registered design professional to submit a professional certification of an application and/or construction and any other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to such conduct or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it. The commissioner may, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend, or otherwise condition the participation of a registered design professional who submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in a stop work order. The term "otherwise condition" shall mean limitations on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

§ 3. Section 28-104.2.1.3.2.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.3.2.2 Mandatory permanent revocation. The commissioner (i) shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect who, while on probation, professionally certifies an application, plans, construction or other related document[s] that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws, and (ii) may permanently revoke the professional certification privileges of an engineer or architect who knowingly orders or directs another registered design professional to, while on probation, professionally certify an application, plans, construction or other related document that contains false information or is not in compliance with all applicable provisions of law or that otherwise demonstrates incompetence or a lack of knowledge of applicable laws, or with knowledge of such specific conduct, ratifies or assents to, or with knowledge of such specific conduct and while acting as a supervisor otherwise fails to prevent it.

§ 4. Section 28-104.2.1.4 of the administrative code of the city of New York, as amended by a local law for the year 2019 in relation to sanctions for submitting incorrect professionally certified applications for construction document approval, as proposed in introduction number 977-A for the year 2018, is amended to read as follows:

§ 28-104.2.1.4 Database. The department shall create and maintain a database of all registered design professionals who have been excluded, suspended or otherwise sanctioned by the department, *all current firms of employment or affiliation of such professionals, if known or readily ascertainable, and the firm that employed such professionals, or with which such professional was affiliated, at the time such professionals were sanctioned, and the status of such sanction or sanctions.* Within 7 business days of the date a sanction is imposed, the department shall post on its website, in a non-proprietary machine-readable format that permits automated processing, and shall make available upon request, the name of the registered design professional *and the firm that employed such professionals, or with which such professionals were affiliated, at the time such professionals were sanctioned,* and a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional *and the firm of employment of such professionals, or the firm with which such professionals were affiliated, when such professionals were sanctioned,* within 30 days of such request.

§ 5. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1242-A

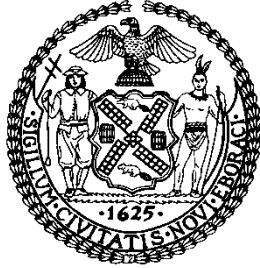
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4516), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1242-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1242-A
COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

SPONSORS: Council Members Ayala, Lander, Brannan, Ampry-Samuel, Lancman, Kallos, Rosenthal and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1242-A would expand the Department of Housing Preservation and Development’s (HPD) online property owner registry to include rent overcharge information from New York State Homes and Community Renewal, as well as Department of Buildings violations pertaining to harassment, including violations of work without a permit and work in violation of a stop work order.

EFFECTIVE DATE: This legislation would take effect May 1, 2021, except that the Commissioner of the Department of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY22 | Full Fiscal Impact FY22 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 28, 2018 as Intro. No. 1242 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1242-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 1, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1242-A:)

Int. No. 1242-A

By Council Members Ayala, Lander, Brannan, Ampry-Samuel, Lancman, Kallos, Rosenthal, Perkins and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

Be it enacted by the Council as follows:

Section 1. Section 27-2109.2 of the administrative code of the city of New York, as added by local law number 62 for the year 2018, is amended to read as follows:

§ 27-2109.2 Online portfolio report of registered property owners. The department shall maintain through the department's website a publicly accessible electronic interface that reports portfolio information based on the name of a property owner. The report shall be based on the last valid information registered with the department pursuant to section 27-2097. Such report shall include (i) the address of each registered property owned by such registered owner; (ii) the current number of outstanding violations issued by the department, disaggregated by class, for each property; (iii) the number of findings of harassment currently on record with the department; [and] (iv) the number and types of departmental orders pending on each property; *(v) the number of violations issued by the department of buildings pursuant to sections 28-207.2.6 or 28-213.1.2 for each property, including the status of each violation and the date each violation was issued; (vi) findings from the appropriate state agency of rent overcharges against a property, including the reasons provided by the owner for such overcharge, if available, or why such findings could not be included; and (vii) findings from the appropriate state agency indicating illegal removal from rent-regulation, if available, or why such findings could not be included.* The department may provide the aggregate data used to create such website to the public advocate upon request in a form that permits automated processing and downloading.

§ 2. This local law takes effect May 1, 2021, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1247-A

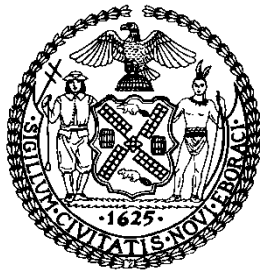
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4520), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1247-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1247-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

SPONSORS: Council Members Cabrera, Brannan, Lancman, Kallos, Vallone, Rosenthal, Chin and Perkins

SUMMARY OF LEGISLATION: Proposed Intro. No. 1247-A would require owners of residential buildings to post a notice of violation(s) issued against a specific property to residents. If the violation occurs outside of an occupied dwelling unit, in a common area, or when it affects all residents, the owner would be required to post the notice of violation in the lobby until such violation has been closed. If the violation occurs within an occupied dwelling unit, the owner would be required to distribute a copy of the notice of violation to the residents of the unit in violation as well as to residents of adjacent units. This legislation would also require the Department of Buildings (DOB) to create a pamphlet containing information about the violation adjudication processes. Owners would be required to distribute the notices of violation and the DOB pamphlet no later than five calendar days after the notice of violation has been served.

EFFECTIVE DATE: This legislation would take effect 180 days after it becomes law, except that the DOB Commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1247 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1247-A, will be considered by the Committee on May 7, 2019. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 1, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1247-A:)

Int. No. 1247-A

By Council Members Cabrera, Brannan, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera, Holden and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

Be it enacted by the Council as follows:

Section 1. Article 204 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-204.1.2 and 28-204.1.3 to read as follows:

§ 28-204.1.2 Notice of violating conditions outside of occupied dwelling units. *An owner must post a copy of a notice of violation that relates to a violating condition outside of an occupied dwelling unit, including in a common area or affecting all residents, of such owner's building in a conspicuous manner in the building's lobby until such violation has been closed. In addition, such owner shall post a flyer or pamphlet, created by the department, with information about the adjudication process. Such notice of violation and flyer or pamphlet shall be posted as soon as practicable, but no later than five calendar days after it has been served.*

§ 28-204.1.3 Notice to occupants of violating conditions in occupied dwelling units. *An owner must distribute a copy of a notice of violation to the resident of an occupied dwelling unit where such violation relates to a violating condition that is present within such dwelling unit, and to residents of occupied dwelling units adjacent to such dwelling unit. In addition, such owner shall provide such residents with a flyer or pamphlet, created by the department, with information about the adjudication process. Such notice of violation and flyer or pamphlet shall be distributed to such occupied dwelling units as soon as practicable, but no later than five calendar days after it has been served.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1257-A

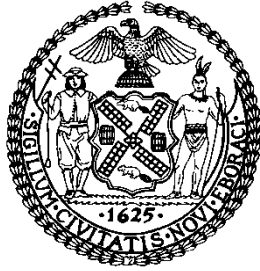
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to inspections of construction sites for which the department of buildings has issued a permit.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4540), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1257-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR**

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1257-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to inspections of construction sites for which the Department of Buildings has issued a permit.

SPONSORS: Council Members Cornegy, Lancman, Kallos, Vallone, Rosenthal, Chin and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1257-A would require a holder of a Department of Buildings (DOB) permit to grant access to DOB to perform inspections to ensure that such work is not occurring in an unsafe or dangerous manner, and that such work is being performed in compliance with the applicable code provisions. If no access is granted in an expeditious manner and there is a reason to believe that work is being done in violation of the law, the legislation would permit DOB to issue a stop work order.

EFFECTIVE DATE: This legislation would take effect 120 days after it becomes law, except that the Commissioner of the Department of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 11, 2018 as Intro. No. 1275 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the

legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1275-A, will be considered by the Committee on May 7, 2019. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 8, 2019. **DATE PREPARED:** April 30, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1257-A:)

Int. No. 1257-A

By Council Members Cornegy, Lancman, Kallos, Vallone, Rosenthal, Chin, Perkins, Rivera, Holden and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to inspections of construction sites for which the department of buildings has issued a permit

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.12.11 to read as follows:

§ 28-105.12.11 Inspections. *Upon issuance of a permit and at any time during such permit period, the commissioner or his or her authorized representatives, in the discharge of their duties, shall have the right to enter, in accordance with applicable law, upon any buildings, enclosures, premises, or any part thereof, or attached thereto for the purposes of an inspection of work pursuant to such permit to ensure that such work is not occurring in an unsafe or dangerous manner, and that such work is being performed in compliance with applicable code provisions. If the commissioner or his or her authorized representative is unable to gain access to such property expeditiously for the purposes of an inspection of work pursuant to such permit and there is a reason to believe that the work is being done in violation of the law, the commissioner shall issue a stop work order. Such stop work order may be rescinded in accordance with section 28-207.2.3.*

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

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1258-A

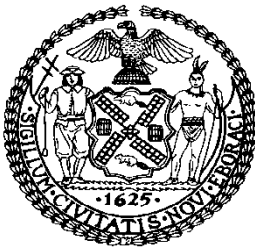
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4540), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1258-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1258-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied.

SPONSORS: Council Members Cornegy, Lancman, Kallos and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1258-A would require the Department of Consumer Affairs (DCA) to annually audit the records of at least 20 percent of licensed process servers who have served at least one summons, subpoena, notice, citation or other process for a housing court proceeding. The bill would also require that process servers certify with DCA every six months if they have served process for a housing court proceeding. This bill would further require that the DCA post on its website, and notify process serving agencies, when a process server has been disciplined, or where the process server's license has been suspended, revoked, or license renewal is denied.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the DCA Commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$172,331 | \$344,663 | \$344,663 |
| Net | \$172,331 | \$344,663 | \$344,663 |

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

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. According to information available on NYC Open Data, from January 2018 to December 2018, DCA issued approximately 688 process server licenses to individuals and 102 licenses to process serving agencies, and 479 of these applications were renewals. During the same timeframe, about 269 applications for process server licenses were denied by DCA. According to information provided by DCA, currently process server license applications are audited and there are dedicated staff positions assigned to conduct these audits. It is estimated that an additional three administrative staff analysts would be needed to perform the additional audits pursuant to the legislation. The total annual cost of the additional staff members is estimated to be \$344,663 including fringe benefits and OTPS costs. For Fiscal 2020, the prorated cost of this legislation would be approximately \$172,331.

Lastly, it is anticipated that DCA would use existing resources to comply with the reporting and notification requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Consumer Affairs
NYC Open Data

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1258 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1258-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1258-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 6, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1258-A:)

Int. No. 1258-A

By Council Members Cornegy, Lancman, Kallos, Perkins and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers and creating a notification system regarding licensed process servers who have had their licenses suspended, revoked or who have had renewal denied

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended to read as follows:

c. The commissioner [may] *shall* conduct audits of the information required to be kept pursuant to subdivision [(j)a)] of this section in order to monitor compliance with this subchapter. *The commissioner shall conduct annual audits, of the information required to be kept pursuant to subdivision a, for at least 20 percent of the licensed process servers who have certified, pursuant to subdivision d, having served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act.*

§ 2. Section 20-406.3 of the administrative code of the city of New York, as added by local law number 7 for the year 2010, is amended by adding a new subdivision d to read as follows:

d. *By February 1, 2020 and every six months thereafter, each licensed process server shall submit electronically to the commissioner a certification, in a form to be determined by the commissioner, stating whether the licensed process server has served at least one summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceeding that is subject to the provisions of section 110 of the civil court act within the immediately prior semi-annual calendar year period.*

§ 3. Subdivision a of section 20-409 of the administrative code of the city of New York is amended to read as follows:

a. A license issued hereunder may be suspended or revoked or its renewal denied by the commissioner at any time for the failure of the licensee to comply with any rule, regulation or order promulgated by the commissioner. *Where a license is suspended or revoked or its renewal denied for the reasons set forth in this section, where a penalty is issued pursuant to section 20-409.1 or where such license holder is otherwise disciplined by the commissioner, the commissioner shall post to the department's website and notify all process serving agencies of the suspension, revocation or denial of renewal of such license, the issuance of a penalty pursuant to section 20-409.1 and the reasons for such suspension, revocation or denial of renewal or issuance of such penalty. Such notification and posting shall occur no more than five days from the date the department has suspended, revoked or denied renewal of such license, or issued such penalty.*

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1274-A

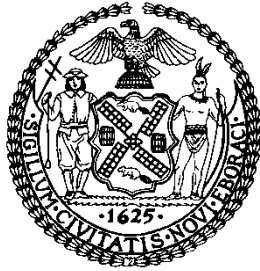
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4557), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1274-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1274-A
COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history

SPONSORS: Council Members Levine, Lander, Ampry-Samuel, Lancman, Ayala, Kallos and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1274-A would require owners of multiple dwellings to obtain for each dwelling unit the previous four years rent amounts from the New York State Department of Housing and Community Renewal, and provide this information to current tenants of such dwelling units.

EFFECTIVE DATE: This legislation would take effect 120 days after it becomes law, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law. In addition, any cost associated with obtaining rent history from the State Department of Housing and Community Renewal would be expended by non-City entities.

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

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 28, 2018 as Intro. No. 1274 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1274-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote May 8, 2019.

DATE PREPARED: April 25, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1274-A:)

Int. No. 1274-A

By Council Members Levine, Lander, Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of article 1 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. The owner of a multiple dwelling shall obtain for each dwelling unit, where available, the previous four years of rent amounts from the New York state division of housing and community renewal, and provide such rent amounts to the current tenant of such dwelling unit.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1275-A

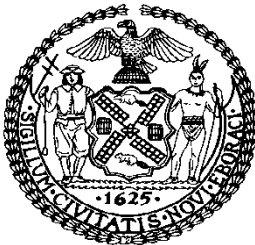
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4558), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1275-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1275-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings.

SPONSORS: Council Members Powers, Brannan, Lancman, Ayala and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1275-A would prohibit the Department of Buildings (DOB) from issuing permits for one year for a building following a determination that a false statement about the occupancy status was made on a construction application for that building. The bill would also deny permits for one year for a building following a determination that work was conducted without a permit while such building was occupied. The bill would provide certain exceptions to this prohibition, such as condominiums or cooperatives, and would exempt permits sought to correct outstanding violations with the DOB or the Department of Housing Preservation and Development (HPD), permits necessary to protect public health and safety, properties that are the subject of certain court proceedings, and permits required for certain DOB or HPD programs.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the DOB Commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | De minimis | De minimis | De minimis |
| Expenditures | \$0 | \$0 | \$0 |
| Net | De minimis | De minimis | De minimis |

IMPACT ON REVENUES: DOB collects revenue from the issuance of building permits, including new buildings and major and minor alterations to existing buildings. According to information available on NYC Open Data, from January 2018 to December 2018, DOB issued approximately 97,824 building permits for major and minor alterations of existing buildings. Of these, 89,320 permits were issued in residential buildings. In 2018, on average, each permit issued by DOB generated about \$1,704 in revenue for the City. However, due to data limitations, it is not known how many incidences of false statements on construction permit applications are submitted to DOB or how many incidences of construction work were conducted without a permit within the covered subset of buildings under this bill. In addition, it is not known how many building owners might be denied a building permit in accordance with the legislation. To the extent that this legislation would cause an entity to be denied a permit it would have received in the absence of this legislation, this would result in a loss of revenue to the City. Assuming the number of permits issued and the collection rate remains relatively constant, it is estimated that foregone revenue from qualifying owners pursuant to a one-year suspension after the passage of this legislation would result in minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because DOB would use existing resources to implement its provisions.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Buildings
NYC Open Data

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1275 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1275-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1275-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 5, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1275-A:)

Int. No. 1275-A

By Council Members Powers, Brannan, Lancman, Ayala, Kallos and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

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 a new section 28-105.1.4 to read as follows:

§ 28-105.1.4 Denial of permits for false statements on applications for construction document approval.
The commissioner shall not issue a permit for an occupied building for at least one year following the date of a determination by the commissioner that a false statement about the occupancy status of such building has been made in an application for construction document approval. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.

Exceptions:

1. *Where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule.*
2. *Where the issuance of such permit is necessary to perform work to protect public health and safety.*
3. *For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.*
4. *Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.*
5. *Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*
6. *Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.*
7. *For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.*

§ 2. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.5 to read as follows:

§ 28-105.1.5 Denial of permits for work without permit on occupied building. *The commissioner shall not issue a permit for a building for at least one year following the date of a determination by the commissioner that work has been performed without a permit in such building and such building was occupied at the time such work was being performed. Such denial shall not apply where a dwelling unit within such multiple dwelling is owned as a condominium or held by a shareholder of a cooperative corporation under a proprietary lease.*

Exceptions:

1. *Where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule.*
2. *Where the issuance of such permit is necessary to perform work to protect public health and safety.*
3. *For a portion of a property occupied by a tenant who is not an owner of such property or responsible for any existing violations in such property.*
4. *Where a property was the subject of an in rem foreclosure judgment in favor of the city and was transferred by the city to a third party pursuant to section 11-412.1 of the code.*
5. *Where a property is the subject of a court order appointing an administrator pursuant to article 7-a of the real property actions and proceedings law in a case brought by the department of housing preservation and development.*
6. *Where a property is the subject of a loan provided by or through the department of housing preservation and development or the New York city housing development corporation for the purpose of rehabilitation that has closed within the five years preceding the application for such permit.*
7. *For a property where the department of housing preservation and development or the New York city housing development corporation notifies the commissioner that the permit is required in connection with the implementation of a program of such department or corporation.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1277-A

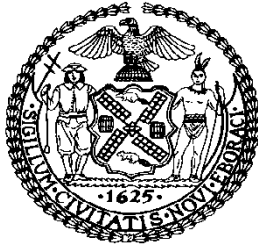
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4559), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1277-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1277-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

SPONSORS: Council Members Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1277-A would require the Department of Buildings (DOB) to perform preliminary inspections of no less than 20 percent of buildings with six or more units to verify the occupancy status of purportedly unoccupied buildings undergoing construction. The bill would also require DOB to submit an annual report to the Mayor and the Council that details the total number of applications found to have falsely indicated that a building was unoccupied, and under such circumstances, the location of the associated building and date of filing for such application.

EFFECTIVE DATE: This local law would take effect on January 1, 2020, except that the DOB may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$1,188,480 | \$2,376,961 | \$2,376,961 |
| Net | \$1,188,480 | \$2,376,961 | \$2,376,961 |

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

IMPACT ON EXPENDITURES: Under the proposed legislation, DOB estimates that it would need to complete approximately 10,368 inspections annually for buildings undergoing construction and deemed unoccupied.

Although the legislation does not mandate that DOB hire new staff to meet the provisions of this bill, the agency has informed the Council that it would need additional construction inspectors to perform the increased number of inspections required under the bill. Using staffing assumptions provided by DOB, it is estimated that an additional eight field inspectors and five administrative staff members would be needed to support the work of the inspectors. The total annual cost of the additional inspectors and administrative staff members is estimated to be \$2,376,961, including fringe benefits and OTPS costs. For Fiscal 2020, the prorated cost would be \$1,188,480.

Lastly, it is anticipated that the reporting requirements outlined in this legislation would be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1277 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1277-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1277-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 5, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1277-A:)

Int. No. 1277-A

By Council Members Ampry-Samuel, Lancman, Ayala, Kallos, Rosenthal, Perkins, Rivera and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

Be it enacted by the Council as follows:

Section 1. Section 28-116.2.1 of the administrative code of the city of New York is amended to read as follows:

§ 28-116.2.1 Preliminary inspection. Before approving construction documents, the commissioner is authorized to examine or cause to be examined structures or premises for which an application has been filed. *The department shall conduct preliminary inspections of no less than 20 percent of buildings containing six or more units where (i) an application for construction documents is submitted to the department and (ii) the applicant has indicated that the building that is the subject of such application is unoccupied, in order to verify the occupancy status of such sites.*

§ 2. Article 116 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-116.2.1.1 to read as follows:

§ 28-116.2.1.1 Preliminary inspection reporting. *By January 1, 2021 and no later than January 1 annually thereafter, the department of buildings shall submit to the mayor and the speaker of the council a report describing the findings of preliminary inspections performed pursuant to section 28-116.2.1 in the preceding year. Such report shall include, but not be limited to: (i) the total number of applications found to have falsely indicated that a building was unoccupied; and (ii) for each application found to have falsely indicated that a building was unoccupied, the location of the associated building and date of filing for such application.*

§ 3. This local law takes effect on January 1, 2020, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1278-A

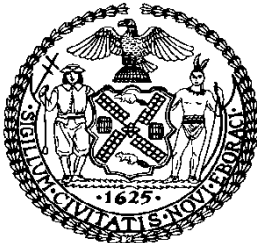
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4560), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1278-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1278-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards.

SPONSORS: Council Members Rivera, Levine, Ampry-Samuel, Gibson, Lancman, Powers, Kallos, Rosenthal and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1278-A would require the Department of Buildings (DOB) to approve tenant protection plans prior to construction and to inspect ten percent of such sites within seven days after the start of construction. In addition, the bill would require DOB to conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan, and within ten days of receipt of a complaint concerning such work.

EFFECTIVE DATE: This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A for the year 2018, takes effect, except that the DOB Commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$1,607,501 | \$6,430,004 | \$6,430,004 |
| Net | \$1,607,501 | \$6,430,004 | \$6,430,004 |

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

IMPACT ON EXPENDITURES: It is estimated that there would be some impact on expenditures resulting from the enactment of this legislation. According to information available on NYC Open Data, from January 2016 to June 2018, DOB received on average approximately 17,000 complaints annually in residential buildings that would be covered under a tenant protection plan. Although the legislation does not mandate that DOB hire new staff to meet the provisions of this bill, the agency has informed the Council that it would need additional construction inspectors to perform the increased number of inspections and audits required under the bill. Using staffing assumptions provided by DOB, and assuming the complaint rate remains constant, it is estimated that an additional 15 field inspectors and eight administrative and support staff members would be needed to perform inspections of sites with a tenant protection plan with ten days of receipt of a complaint. It is estimated that an additional six field inspectors and six administrative and support staff members would be needed to perform the additional audits and follow-up inspections pursuant to the legislation. The total annual cost of the additional inspectors and administrative staff members is estimated to be \$6,430,004, including fringe benefits and OTPS costs. For Fiscal 2020, the prorated cost of this legislation would be approximately \$1.6 million.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
 New York City Department of Buildings
 Mayor’s Office of City Legislative Affairs
 NYC Open Data

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1278 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1278-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1278-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 5, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1242-A:)

Int. No. 1278-A

By Council Members Rivera, Levine, Ampry-Samuel, Gibson, Lancman, Powers, Kallos, Rosenthal, Perkins and Ayala.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

Be it enacted by the Council as follows:

Section 1. Section 28-120.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, in relation to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A, is amended to read as follows:

§ 28-120.1 Tenant protection plan. A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. *No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department.* Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. *The tenant protection plan must be site specific.* The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, *must comply with all applicable laws and regulations, including the New York city construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and shall make detailed and specific provisions for:*

1. Egress. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants.

6. Noise restrictions. Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

Exception: In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.
2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 2. Section BC 1704 of the building code of the city of New York is amended by adding a new section 1704.33 to read as follows:

1704.33 Tenant protection plan. *When alteration, partial demolition, or construction operations are performed at occupied multiple dwellings, the department shall periodically verify compliance with a tenant protection plan as provided for in Chapter 1 of Title 28 of the Administrative Code and Section 3303.10.*

§ 3. Section 3303.10.2 of the New York city building code, as added by local law number 154 for the year 2017, is amended to read as follows:

3303.10.2 Inspections of tenant protection plan. The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of [five] 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. *The department shall conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan.* Thereafter, the department shall conduct an inspection [upon the] *within 10 days of receipt of a complaint concerning such work.*

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A for the year 2018, takes effect, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1279-A

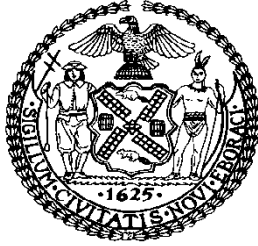
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4562), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1279-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1279-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Buildings and the Department of Housing Preservation and Development to audit a certain percentage of certifications of correction.

SPONSORS: Council Members Rosenthal, Ampry-Samuel, Lancman, Ayala, Kallos, Vallone and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1279-A would require the Department of Buildings (DOB) and the Department of Housing Preservation and Development (HPD) to audit at least 15 percent of all certifications of correction filed by property owners or managing agents affirming the correction of one or more immediately hazardous violations. Each audit would include, at minimum, an inspection by DOB and/or HPD to ensure that the violating conditions cited in the notice of violation have been corrected.

Additionally, the bill would require DOB and HPD to submit an annual report to the Council that details the number of audits conducted, the percentage of certifications of correction audited, the percentage of audited certifications of correction found to have been false, the total amount of civil penalties collected for audited certifications of correction found to have been false, and other findings. The report is due to the Council by no later than March 31 of each year.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the DOB and HPD Commissioners may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$167,678 | \$355,357 | \$355,357 |
| Net | \$167,678 | \$355,357 | \$355,357 |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the legislation is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. According to information available on NYC Open Data, from January 2018 to December 2018, HPD conducted approximately 639,387 inspections related to housing maintenance code violations and issued approximately 104,129 Class C immediately hazardous violations. Assuming the rate of certificates of correction for immediately hazardous violations remains relatively constant, it is estimated that HPD would need to conduct 15,600 additional inspections annually in order to comply with the provisions of

the legislation. According to testimony provided by DOB, in 2018, the Department received approximately 19,000 certificates of correction for immediately hazardous violations and as a matter of practice, conducts audits on certificates of correction that are submitted by building owners. Assuming the rate of certificates of correction for immediately hazardous violations remains relatively constant, it is estimated that DOB would need to conduct 2,850 additional inspections annually in order to comply with the provisions of the legislation. It is estimated that an additional four inspectors would be needed to perform the additional inspections pursuant to the legislation. The total annual cost of the additional inspectors is estimated to be \$355,357, including fringe benefits and OTPS costs. For Fiscal 2020, the prorated cost of this legislation would be approximately \$167,678. It is anticipated that DOB and HPD would use existing resources to comply with the reporting and notification requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Buildings
NYC Open Data

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Rebecca Chasan, Senior Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018, as Intro. No. 1279 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1279-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1279-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 6, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1279-A:)

Int. No. 1279-A

By Council Members Rosenthal, Ampry-Samuel, Lancman, Ayala, Kallos, Vallone, Perkins and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

CHAPTER 25
AUDITS OF CERTIFICATIONS OF CORRECTION

§ 26-2501 Definitions. As used in this chapter, the term “certification of correction” means the paper or electronic document filed with the department of buildings or the department of housing preservation and

development by a property owner or managing agent to affirm that the violating conditions cited on a notice of violation have been corrected within the required timeframe.

§ 26-2502 Audits of certifications of correction. a. The department of buildings shall audit no fewer than 15 percent of certifications of correction of immediately hazardous violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the violating conditions cited in the notice of violation have been corrected.

b. The department of housing preservation and development shall audit no fewer than 15 percent of all certifications of correction of class C violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the violating conditions cited in the notice of violation have been corrected.

§ 26-2503 Reporting. By March 31, 2020 and no later than March 31 annually thereafter, the department of buildings and the department of housing preservation and development shall each submit to the speaker of the council an electronic report describing the findings of the audits performed by such departments in the previous year pursuant to section 26-2502 of this chapter. Such report shall include, but not be limited to:

- 1. The total number of audits conducted;*
- 2. The percentage of certifications of correction audited;*
- 3. The percentage of audited certifications of correction found to have been false;*
- 4. For audited certifications of correction found to have been false, the total amount of civil penalties collected and, if applicable, the number of additional sanctions imposed, disaggregated by type; and*
- 5. For buildings where an audited certification of correction is found to have been false in the reporting period, whether a certification of correction filed for such building has been audited by the department of buildings or the department of housing preservation and development in the previous five years, and whether such audit or audits resulted in a finding or findings of false certification.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings and the commissioner of housing preservation and development may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1280-A

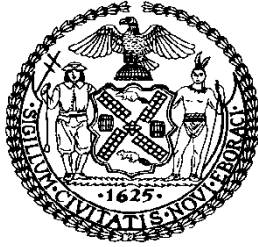
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4562), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 1533-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1280-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1280-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents.

SPONSORS: Council Members Rosenthal, Levine, Ampry-Samuel, Lancman, Ayala and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1280-A would require that construction documents for alterations requiring a tenant protection plan contain a statement signed by the owner and applicant identifying any occupied units in the building. The bill would also establish civil and criminal penalties for submission of false tenant protection plan or for failure to submit a required tenant protection plan to the Department of Buildings (DOB) of no less than \$10,000 for the first offense, and no less than \$25,000 for each subsequent offense.

EFFECTIVE DATE: This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A for the year 2018, takes effect, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the relevant construction document provisions under the legislation is anticipated.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement its provisions.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 28, 2018 as Intro. No. 1280 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on December 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1280-A, will be considered by the Committee on May 7, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1280-A will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 1, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1280-A:)

Int. No. 1280-A

By Council Members Rosenthal, Levine, Ampry-Samuel, Lancman, Ayala, Kallos, Perkins and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

Be it enacted by the Council as follows:

Section 1. Section 28-120.1 of the administrative code of the city of New York, as added by a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A, and as amended by a local law amending the administrative code of the city of New York, relating to requiring heightened review of tenant protection plans and increased enforcement of building code standards as proposed in introduction number 1278-A, is amended to read as follows:

§ 28-120.1 Tenant protection plan. A tenant protection plan shall be prepared and submitted for the alteration, construction, or partial demolition of buildings in which any dwelling unit will be occupied during construction, including newly constructed buildings that are partially occupied where work is ongoing. The tenant protection plan shall be prepared by a registered design professional and filed with the department. The registered design professional preparing the tenant protection plan shall be retained by the general contractor performing the alteration, construction, or partial demolition work. No permit shall be issued for work that requires a tenant protection plan unless such plan is approved by the department. Such plan shall contain a statement *signed by the owner and signed by the applicant affirming* that the building contains dwelling units that will be occupied during construction and shall [indicate] *identify* in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as “code compliant,” “approved,” “legal,” “protected in accordance with law” or similar terms be used as a substitute for such description. The tenant protection plan must be site specific. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum, must comply with all applicable laws and regulations, including the New York city

construction codes, the New York city housing maintenance code, the New York city noise control code and the New York city health code, and shall make detailed and specific provisions for:

1. Egress. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.

3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities shall be included.

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance..

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants.

6. Noise restrictions. Specification of means and methods to be used for the limitation of noise to acceptable levels in accordance with the New York city noise control code shall be included. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. Notification of the disruption must be given to all affected occupants of occupied dwelling units.

Exception: In the following instances, the tenant protection plan may be prepared and filed by the registered design professional of record for the alteration, construction, or partial demolition work as part of the underlying application:

1. Work in occupied one- and two-family homes.
2. Work limited to the interior of a single dwelling unit of an occupied multiple dwelling with no disruption to the essential services of other units, where such dwelling is owner-occupied. For a dwelling unit within a property that is owned by a condominium or held by a shareholder of a cooperative corporation under a proprietary lease, the unit must be occupied by the owners of record for such unit.

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 70 for the year 2018, is amended by adding a new exception 11 to read as follows:

11. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum civil penalty for a first offense shall be no less than \$10,000 and, for each subsequent offense, no less than \$25,000.

§ 3. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 203 for the year 2017, is amended by adding a new exception 6 to read as follows:

6. For (i) a violation of section 28-211.1 or (ii) where a tenant protection plan is required pursuant to section 28-120.1, but has not been submitted to the department, the minimum fine shall be no less than \$10,000 and, for each subsequent offense, no less than \$25,000.

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as proposed in introduction number 1107-A for the year 2018, takes effect, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Int. No. 1533-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1539), respectfully

REPORTS:

Introduction

On May 7, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 1533-A, Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1258-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A.

[Int. No. 1533-A was originally heard on April 11, 2019. More information about Int. No. 1533-A](https://on.nyc.gov/2UH2C2v), along with the materials for that hearing, can be found at <https://on.nyc.gov/2UH2C2v>.

Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1258-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A were originally heard on December 13, 2018. More information about these bills, along with the materials for that hearing, can be found at <https://on.nyc.gov/2H25bMQ>.

Local Law 196 of 2017

Construction remains one of New York’s most dangerous industries.¹ In 2018, there were 761 construction related injuries.² 2017 saw 650 construction related accidents and injuries and 81 fatalities.³ That same year, the Council enacted Local Law 196 for the year 2017, which requires construction safety training for workers.⁴ This law creates a robust training requirement for workers on construction sites, including requiring that workers on these sites undergo trainings approved by the Occupational Safety and Health Administration (OSHA).

Related Legislation

Int. No 1533-A

Int. No.1533-A would extend the date by which workers must complete an Occupational Safety and Health Thirty Hour Course (OSHA-30), an Occupational Safety and Health Ten Hour Course (OSHA-10) and an additional 20 hours of safety training, or a 100-hour training program approved by DOB. The current second compliance date pursuant to Local Law 196 of 2017 is June 1, 2019, which will be extended by six months, to December 1, 2019. Additionally, DOB may make a decision by September 1, 2019 to extend the deadline for an additional six months. This bill also establishes the date for full compliance with Local Law 196 as September 1, 2020.

This bill would take effect immediately.

Anti-Tenant Displacement Background

On May 20, 2018, the *New York Times* ran a three-part series that described the ways that landlords try to entice or compel tenants to leave rent-regulated apartments, so that these landlords can later replace the rent-regulated tenants with tenants who can pay market rents. The series focused on landlords who purchase buildings with rent-regulated units and discussed some of the methods that they used to force these tenants out of those units, thus removing the units from rent-regulation and, in the terms of certain exploitive landlords highlighted by the series, “unlocking” the potential value in their buildings.⁵ These landlords include so-called “predatory equity” investors, who purchase buildings at prices that far exceed their value given the income generated by the rent-regulated tenants in the building at the time of purchase.⁶

One of the ways that landlords attempt to convince tenants of rent-regulated units to vacate these units is by offering them consideration, in the form of buyout offers, in exchange for an agreement that the tenant vacate the unit. Tenants sometimes enter into these buyout agreements without having a clear understanding of a given offer’s value, or the implications of vacating a rent-regulated unit.⁷ Landlords may also harass tenants into vacating their units by performing construction in their building at all hours, without required safety measures, and by failing to temper construction debris and noise.⁸ Under DOB’s Professional Certification Program, registered design professionals can self-certify that the plans they have filed with DOB are in compliance with

¹ Rebecca Baird-Remba, *Construction Is Still NYC’s Most Fatal Industry*, COMMERCIAL OBSERVER, Jan. 10, 2019, <https://commercialobserver.com/2019/01/nyc-construction-death-data-2017-2018>

² Ali Oriaku, *Construction is N.Y.C.’s deadliest industry, according to annual reports*, ARCHPAPER, Jan. 22, 2019, <https://archpaper.com/2019/01/construction-new-york-deadliest-industry>.

³ Joe Anuta, *City construction enduring most dangerous year in nearly a decade Accidents and injuries reach post-recession high*, CRAIN’S NEW YORK, Dec. 21, 2018, <https://www.craigslist.com/real-estate/city-construction-enduring-most-dangerous-year-nearly-decade>.

⁴ https://www1.nyc.gov/assets/buildings/local_laws/ll196of2017.pdf

⁵ *Id.*

⁶ See Laura Gottesdiener, *When Predatory Equity Hit the Big Apple How Private Equity Came to New York’s Rental Market*, TOMDISPATCH, (Apr. 8, 2014), available at <https://www.motherjones.com/politics/2014/04/predatory-equity-wall-street-screwed-over-renters-new-york-city>

⁷ See DW Gibson, *How to Dump Tenants and Make a Fortune*, THE NATION (June 11, 2015), available at <https://www.thenation.com/article/how-to-dump-tenants-and-make-a-fortune-2>

⁸ *Id.*

applicable laws. This reduces delays in building permit issuance because it negates the need for plans to be examined and approved by DOB. Unfortunately, some registered design professionals self-certify plans that contain false statements about occupancy or about the type of work that is being performed. As a result, DOB is not aware that work is being performed in occupied buildings and without the proper safety precautions in place.

Landlords also bring baseless eviction lawsuits against tenants, who are then forced to defend these lawsuits. Some tenants may be evicted without receiving notices of court dates because process servers failed to properly serve them, and as a result they are not aware that their landlord has commenced eviction proceedings against them.⁹

Related Legislation

Int. No 59-A

Int. No.59-A would require that persons making buyout offers to make certain disclosures, including a disclosure that there is no guarantee that the tenant will find a similar apartment in the same community district with the same number of bedrooms for the same rent as such person is paying at that time, and that there are additional factors that may impact a person's ability to obtain housing.

The Department of Housing Preservation and Development (HPD) must also report on median asking rents, disaggregated by community district and number of bedrooms, if a statistically significant and representative sample of data is available. The first report would be due by September 1, 2019 with subsequent reports due every year on by September 1, thereafter. A disclosure of the median asking rent for such community district would also be required if HPD has reported on such within the previous twelve-month period.

The disclosures required by this bill would take effect on October 15, 2019, while the first report would be due by September 1, 2019.

Int. No 551-A

Int. No. 551-A would require that, where owners of apartments enter into buyout agreements with their tenants, the owners must electronically submit certain information about the terms of the agreement, including the name of the unit's owner, the address of the unit that is the subject of the buyout agreement, the amount of money or other consideration paid to the tenant under the buyout agreement, the date the buyout agreement was executed, and the number of months remaining in the lease, to HPD within 90 days of the execution of the agreement. Failure to submit this information would result in the owner being liable for a non-hazardous violation under section 27-2115 of the Administrative Code. This bill would also require that HPD annually report to the Mayor and the Speaker of the City Council information about the buyout agreements submitted during the prior calendar year. The first report would be due no later than January 31, 2021 with each subsequent report due by January 31 of each following year.

This local law would take effect on July 1, 2020, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 975-A

Int. No. 975-A would require that DOB compile a list of multiple dwellings containing fewer than 35 units that have an average, in any combination, of at least three open immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit, and multiple dwellings of 35 units or more that have an average, in any combination, of at least two open immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit. DOB would be prohibited from issuing a permit to any multiple dwelling on such list.

⁹ See part 2, Kim Barker, et al. *The Eviction Machine Churning Through New York City Housing court, a system created to protect tenants, has become a powerful tool for landlords*, NEW YORK TIMES (May 20, 2018), available at <https://www.nytimes.com/interactive/2018/05/20/nyregion/nyc-affordable-housing.html>

When, through the correction of such violations, the average number of violations per unit of a multiple dwelling falls below the average provided above, such multiple dwelling would be removed from the list. This prohibition on permit issuance would not apply to dwelling units owned as condominiums or held by shareholders as cooperatives. It would also not apply to properties subject to certain court proceedings, and it exempts applications for permits to correct outstanding DOB or HPD violations, to protect public health and safety, that are required to participate in certain DOB or HPD programs, and that are sought by a tenant occupying a portion of such property who is not responsible for any existing violations in such property.

This local law would take effect 210 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 977-A

Int. No. 977-A would permit DOB to exclude, suspend or otherwise condition the participation of registered design professionals in the Professional Certification Program if such registered design professionals submit two professionally certified applications for construction document approval within any 12-month period that contain errors that result in a stop work order. It would also require that DOB maintain a database in a non-proprietary machine-readable format that permits automated processing, of registered design professionals who have been excluded, suspended or otherwise sanctioned by the DOB.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 1107-A

Int. No. 1107-A would require registered design professionals to prepare and submit for approval tenant protection plans when seeking a permit to perform construction, alteration or demolition in a building in which any dwelling unit will be occupied during such work. This bill would also require the inclusion of signed statements by building owners and contractors regarding the occupancy of a building and that the tenant protection plan complies with the scope of the work that will be performed. Finally, this bill would create the option to submit phased tenant protection plans to reflect the current stage of work.

This local law would take effect nine months after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1171-A

Int. No. 1171-A would: (a) require DOB and the Department of Finance (DOF) to share information in order to identify cases of false statements regarding occupied and rent-regulated housing; (b) require DOB to request information from the New York State Division of Housing & Community Renewal (DHCR) to identify false statements regarding occupied and rent-regulated housing; (c) require DOB to conduct an audit of an owner's whole portfolio of properties using information obtained from DOF if the owner performs work without a permit or submits false statements regarding occupied and rent-regulated housing on an application for a building permit; (d) require DOB to conduct an annual audit of 25% of buildings on the speculation watch list maintained by HPD to ensure that the owners are complying with building permit requirements; and (e) require DOB to audit the whole portfolio of owners who have more than five amended building permits during a six-month period that indicate a change in occupancy, a change in whether the building contains rent-regulated units, or a change that would require the owner to submit an application for a new permit to the department.

If DOB finds that an owner has made a false statement, this bill would also require DOB to: (a) send a written notice of the falsification to the Council, the Department of Investigations, the DHCR, and the Tenant Protection Unit; (b) refer the matter to the relevant District Attorney and the New York State Attorney General for potential criminal prosecution; and (c) report on the punitive actions it took in every case in which it found evidence of false information in an application for a building permit.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1241-A

Currently, penalties and sanctions for violating the terms of participation in DOB's professional certification program only apply to the registered design professional who submitted the self-certification. Int. No. 1241-A would expand penalties for violating the terms of participation in DOB's professional certification program to apply not just to the registered design professional of record but also to any other registered design professional who knowingly directs the professional to submit documents either containing false statements or that demonstrate a lack of knowledge of applicable laws, or who with knowledge of such conduct and while acting as a supervisor, fails to prevent it. Such activity may also result in permanent revocation of professional certification privileges if it occurs while such registered design professional is already on probation.

The bill would further require an annual notification to registered design professionals informing them of the grounds upon which they may be excluded, suspended or otherwise sanctioned.

Finally, the bill would require that DOB incorporate information on the current firms and affiliations of registered design professionals who have been sanctioned into its existing database of registered design professionals.

This local law would take effect 90 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 1242-A

Int. No. 1242-A would expand HPD's online property owner registry by requiring inclusion of DOB violations related to construction as harassment, including violations issued for performing work without a permit and work in violation of a stop work order. It would also require HPD to include rent overcharge information from DHCR and incorporate that information into the registry, if that information is available.

This local law would take effect on May 1, 2021, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 1247-A

Int. No. 1247-A would require that owners of residential buildings provide copies of any notices of violation issued against that building to the residents of that building. For any violation in a common area or for a condition that affects all residents of that building, the owner would be required to post a copy of the notice of violation conspicuously in the building's lobby. For any violation issued for a condition present in an occupied dwelling unit, the owner would be required to distribute a copy of such notice of violation to the resident of such unit and to the residents of each adjacent occupied unit. This bill also requires DOB to create a pamphlet or flyer explaining the adjudication process for such violations, to be distributed with the copies of notices of violations.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1257-A

Int. No. 1257-A would establish the right, in accordance with applicable law, of DOB inspectors to enter a construction site to ensure that work is conducted safely and in compliance with the law. If an inspector is unable gain access to a property expeditiously, and has reason to believe that work is being done in violation of the law, the DOB inspector will be required to issue a stop work order.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 1258-A

Int. No. 1258-A would require that the Department of Consumer Affairs (DCA) annually audit the records of at least 20% of the licensed process servers who have served at least one summons, subpoena, notice, citation or other process for a housing court proceeding within a calendar year. This bill would also require that process servers notify DCA on February 1, 2020, and every six months thereafter, if they have served process for a housing court proceeding in the prior six-month period. For reports due on February 1, such prior six month period would be July to December of the preceding calendar year, and for reports due on August 1, such prior six month period would be January to June of that calendar year. This bill would further require that the DCA post on its website, and notify all process serving agencies, when a process server has been disciplined, or where the process server's license has been suspended or revoked, or license renewal is denied.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Consumer Affairs may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Int. No. 1274-A

This bill would require owners of multiple dwellings to obtain the previous four years rent history from the DHCR for each dwelling unit, if available, and provide such information to the current tenant of each such dwelling unit.

This local law would take effect 120 days after it becomes law, except that the Commissioner of Housing Preservation and Development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Int. No. 1275-A

Int. No. 1275-A would require that DOB not issue any permit to a building for at least one year following a determination that a false statement about the occupancy status of the building was made on a construction application for that building. This bill would also require that DOB not issue any permit to a building for at least one year following a determination that work was conducted without a permit while such building was occupied. This prohibition on permit issuance would not apply to dwelling units owned as condominiums or held by shareholders as cooperatives. It would also not apply to properties subject to certain court proceedings, and exempts permits sought to correct outstanding DOB or HPD violations, permits necessary to protect public health and safety, permits required by certain DOB or HPD programs, and permits sought by tenant occupying a portion of such property who is not responsible for any existing violations in such property.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Int. No. 1277-A

Int. No. 1277-A would require DOB to perform preliminary inspections to verify the occupancy status of buildings where the owner has indicated on an application for a construction document that the building is unoccupied, before the construction begins on the building. This local law would require DOB to perform such inspections for at least 20% of applications submitted for buildings containing six or more dwelling units.

This local law would take effect on January 1, 2020, except that the Commissioner of Buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Int. No. 1278-A

Int. No. 1278-A would require DOB to approve Tenant Protection Plans (TPPs) prior to construction and to inspect at least 10% of construction sites with TPPs within seven days after commencement of work, to verify compliance with the TPP. The bill would further require that DOB perform follow-up inspections of such sites every 180 days, until such construction is completed, to ensure compliance with approved TPPs.

This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A, would take effect, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Int. No. 1279-A

Int. No. 1279-A would require DOB and HPD to audit at least 15% of the certifications of correction filed in connection with immediately hazardous violations, and to report on the results of such audits to the City Council.

This local law would take effect 180 days after it becomes law, except that the Commissioner of Buildings and the Commissioner of Housing Preservation and Development may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

Int. No. 1280-A

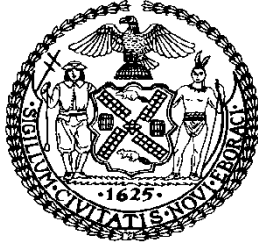
Int. No. 1280-A would require that construction documents for alterations contain a statement signed by the owner and applicant identifying any occupied units in the building. This bill would also establish specific civil and criminal penalties for submitting false information to obtain a building permit of no less than \$10,000 for the first offense, and no less than \$25,000 for each subsequent offense.

This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to submittal of construction documents, applicant and owner statements, and tenant protection plans, as in introduction number 1107-A for the year 2018, would take effect, except that the Commissioner of Buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Update

On Tuesday, May 7, 2019, the Committee adopted Int. No. 1533-A, Int. No. 59-A, Int. No. 551-A, Int. No. 975-A, Int. No. 977-A, Int. No. 1107-A, Int. No. 1171-A, Int. No. 1241-A, Int. No. 1242-A, Int. No. 1247-A, Int. No. 1257-A, Int. No. 1274-A, Int. No. 1275-A, Int. No. 1277-A, Int. No. 1278-A, Int. No. 1279-A, and Int. No. 1280-A by a vote of nine in the affirmative, zero in the negative, and no abstentions, and Int. No. 1258-A, by a vote of eight in the affirmative, zero in the negative, and one abstention.

(The following is the text of the Fiscal Impact Statement for Int. No. 1533-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1533-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date.

SPONSORS: The Public Advocate (Mr. Williams), Council Members Menchaca, Ayala, Kallos and Perkins.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1533-A would extend the existing compliance dates for construction site safety training required under Local Law 196 of 2017 from June 1, 2019 to December 1, 2019. If the Department of Buildings (DOB) were to publish a finding by September 1, 2019 that there is insufficient capacity to provide the required training, then DOB could extend the deadline to no later than June 1, 2020. Local Law 196 of 2017 requires, in part, that construction workers complete an Occupational Safety and Health Thirty Hour Course (OSHA-30) or an additional 20 hours of safety training or a 100-hour training program approved by the Department of Buildings (DOB), and that supervisors have 62 hours of safety training.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by DOB to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Housing and Buildings (Committee) as a Preconsidered Introduction on April 11, 2019 and the legislation was laid over. The legislation was then introduced to the full Council on April 18, 2019, as Intro. No. 1533 and was referred to the Committee. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1533-A, will be considered by the Committee on May 7, 2019. Following a successful vote by the Committee, the bill will be submitted to the full Council for a vote on May 8, 2019.

DATE PREPARED: May 6, 2019.

(For text of Int. No. 1533-A, please see below; for ext of the remaining bills and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 59-A, 551-A, 975-A, 977-A1107-, 1171-A, 1241-A, 1242-A, 1247-A, 1257-A, 1258-A, 1274-A, 1275-A, 1277-A, 1278-A, 1279-A, and 1280-A, respectively, printed above in these Minutes)

Accordingly, this Committee recommends the adoption of Int. Nos. 1533-A, 59-A, 551-A, 975-A, 977-A, 1107-A, 1171-A, 1241-A, 1242-A, 1247-A, 1257-A, 1258-A, 1274-A, 1275-A, 1277-A, 1278-A, 1279-A, and 1280-A.

(The following is the text of Int. No. 1533-A:)

Int. No. 1533-A

By The Public Advocate (Mr. Williams) and Council Members Menchaca, Ayala, Kallos, Perkins and Rivera.

A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

Be it enacted by the Council as follows:

Section 1. The definitions of “SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE” and “SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE” in section 3302.1 of the New York city building code, as added by local law number 196 for the year 2017, are amended to read as follows:

SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE. [Five months after the SST second compliance date, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than] September 1, 2020.

SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE. December 1, 2019 [2018], or, if the department publishes a finding *by September 1, 2019* that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than June 1, [2019] 2020.

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, CARLINA RIVERA; Committee on Housing and Buildings, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Land Use

Report for L.U. No. 386

Report of the Committee on Land Use in favor of approving Application No. C 190160 HAK (1921 Atlantic Avenue) submitted by the NYC Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 17-23 Prescott Place, 18-22 Bancroft Place and 1911-1923 Atlantic Avenue (Block 1557, Lots 1, 2, 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37 and 38) as an Urban Development Action Area; and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of properties located at Block 1557, Lots 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36 and 37 to a developer to be selected by HPD, Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1375) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-3 - FOUR APPLICATIONS RELATED TO 1921 ATLANTIC AVENUE

C 190160 HAK (Pre. L.U. No. 386)

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of properties located at 17-23 Prescott Place, 18-22 Bancroft Place and 1911-1923 Atlantic Avenue (Block 1557 Lots 1, 2, 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37, 38) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of properties located at Block 1557, Lots 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37 to a developer to be selected by HPD;

to facilitate a mixed-use development containing approximately 235 affordable housing units, commercial and community facility space.

C 190161 ZMK (Pre. L.U. No. 387)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a:

- 1) eliminating a Special Mixed Use District (MX-10) bounded by a line midway between Herkimer Street and Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-

Way (Atlantic Division), and Prescott Place;

- 2) changing an M1-1/R7D District to an R8A District property bounded by a line midway between Herkimer Street and Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), and Prescott Place; and
- 3) establishing within the proposed R8A District a C2-4 District bounded by a line 100 feet northerly of Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), and Prescott Place;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018.

N 190162 ZRK (Pre. L.U. No. 388)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 190163 HUK (Pre. L.U. No. 389)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Saratoga Square Urban Renewal Plan for the Saratoga Square Urban Renewal Area.

INTENT

To designate an Urban Development Action Area; approve the project as an Urban Development Action Area Project located at 17, 19, 21, 23 Prescott Place; 18, 22 Bancroft Place; and 1911, 1911A, 1913, 1915, 1915A, 1917, 1919, 1921, 1923 Atlantic Avenue (Block 1557 Lots 1, 2, 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37, 38); approve the disposition of city-owned property located at 17, 19 Prescott Place; 18, 22 Bancroft Place; and 1911A, 1913, 1915, 1915A, 1917, 1919, 1921, 1923 Atlantic Avenue (Block 1557 Lots 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37); approve an amendment to remove the MX-10 special district zoning, and change the underlying M1-1/R7D zoning districts to R8A and R8A/C2-4 zoning districts; approve an amendment to designate Mandatory Inclusionary Housing area utilizing Option 1; and approve an amendment to the Saratoga Square Urban Renewal Plan to modify the use restrictions associated with the URP to facilitate the development of a new 14-story building containing approximately 235 units of affordable housing plus one superintendent's unit, as well as ground-floor retail and community facility space, at 1921 Atlantic Avenue in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: April 2, 2019

Witnesses in Favor: Three

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on Pre. L.U. Nos. 386 through 389.

In Favor:

Moya, Constantinides, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Koo, Miller, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

Against:

Barron

Abstain:

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 876

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190160 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project located at 17, 19, 21, 23 Prescott Place; 18, 22 Bancroft Place; and 1911, 1911A, 1913, 1915, 1915A, 1917, 1919, 1921, 1923 Atlantic Avenue (Block 1557 Lots 1, 2, 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37, 38), and the disposition of city-owned property located at 17, 19 Prescott Place; 18, 22 Bancroft Place; and 1911A, 1913, 1915, 1915A, 1917, 1919, 1921, 1923 Atlantic Avenue (Block 1557 Lots 3, 4, 23, 26, 28, 31, 32, 33, 34, 35, 36, 37), Borough of Brooklyn, Community District 3, to a developer selected by HPD (Preconsidered L.U. No. 386; C 190160 HAK).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision dated March 27, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned and privately-owned property located at 23 Prescott Place (Block 1557, Lot 1); 21 Prescott Place (Block 1557, Lot 2); 19 Prescott Place (Block 1557, Lot

3); 17 Prescott Place (Block 1557, Lot 4); 18 Bancroft Place (Block 1557, Lot 23); 22 Bancroft Place (Block 1557, Lot 26); 1923 Atlantic Avenue (Block 1557, Lot 28); 1921 Atlantic Avenue (Block 1557, Lot 31); 1919 Atlantic Avenue (Block 1557, Lot 32); 1917 Atlantic Avenue (Block 1557, Lot 33); 1915A Atlantic Avenue (Block 1557, Lot 34); 1915 Atlantic Avenue (Block 1557, Lot 35); 1913 Atlantic Avenue (Block 1557, Lot 36); 1911A Atlantic Avenue (Block 1557, Lot 37); and 1911 Atlantic Avenue (Block 1557, Lot 38), (the "Project Area"), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of a new 14-story building containing approximately 235 units of affordable housing plus one superintendent's unit, as well as ground-floor retail and community facility space at 1921 Atlantic Avenue in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3, (ULURP No. C 190160 HAK) (the "Application");

WHEREAS, the Application is related to applications C 190161 ZMK (Pre. L.U. No. 387), a zoning map amendment to eliminate an MX-10 Special District, change the underlying M1-1/R7D zoning district to an R8A zoning district, and establish a C2-4 commercial overlay; N 190162 ZRK (Pre. L.U. No. 388), a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area; and C 190163 HUK (Pre. L.U. No. 389), a first amendment to the Saratoga Square Urban Renewal Plan (URP);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated March 25, 2019 and submitted to the Council on March 26, 2019, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on April 2, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 9, 2018 (CEQR No. 18HPD104K) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190160 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report (C 190160 HAK) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

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

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. **PROJECT:** M/WBE Site B – 1921 Atlantic Avenue
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 3
 - c. **COUNCIL DISTRICT:** 41
 - d. **DISPOSITION AREA:**

| <u>BLOCK</u> | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> |
|--------------|---------------|----------------------|
| 1557 | 3 | 19 Prescott Place |
| 1557 | 4 | 17 Prescott Place |
| 1557 | 23 | 18 Bancroft Place |
| 1557 | 26 | 22 Bancroft Place |
| 1557 | 28 | 1923 Atlantic Avenue |
| 1557 | 31 | 1921 Atlantic Avenue |
| 1557 | 32 | 1919 Atlantic Avenue |

| | | |
|------|----|-----------------------|
| 1557 | 33 | 1917 Atlantic Avenue |
| 1557 | 34 | 1915A Atlantic Avenue |
| 1557 | 35 | 1915 Atlantic Avenue |
| 1557 | 36 | 1913 Atlantic Avenue |
| 1557 | 37 | 1911A Atlantic Avenue |

e. PROJECT AREA:

| | | |
|------|----|-----------------------|
| 1557 | 1 | 23 Prescott Place |
| 1557 | 2 | 21 Prescott Place |
| 1557 | 3 | 19 Prescott Place |
| 1557 | 4 | 17 Prescott Place |
| 1557 | 23 | 18 Bancroft Place |
| 1557 | 26 | 22 Bancroft Place |
| 1557 | 28 | 1923 Atlantic Avenue |
| 1557 | 31 | 1921 Atlantic Avenue |
| 1557 | 32 | 1919 Atlantic Avenue |
| 1557 | 33 | 1917 Atlantic Avenue |
| 1557 | 34 | 1915A Atlantic Avenue |
| 1557 | 35 | 1915 Atlantic Avenue |
| 1557 | 36 | 1913 Atlantic Avenue |
| 1557 | 37 | 1911A Atlantic Avenue |
| 1557 | 38 | 1911 Atlantic Avenue |

4. BASIS OF DISPOSITION PRICE:

Nominal. Sponsor will pay one dollar per lot and the Owner will deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. TYPE OF PROJECT:

New Construction

6. APPROXIMATE NUMBER OF BUILDINGS: 1

7. APPROXIMATE NUMBER OF UNITS:

236 dwelling units (including one superintendent unit)

8. HOUSING TYPE:

Rental

9. ESTIMATE OF INITIAL RENTS

Rents will be affordable to families with incomes between up to 27% and 80% of area median income (“AMI”). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.

10. INCOME TARGETS

Between up to 30% and up to 100% of AMI

- 11. PROPOSED FACILITIES:** Approximately 16,447 square feet of commercial space and approximately 7,953 square feet of community facility space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. 387

Report of the Committee on Land Use in favor of approving Application No. C 190161 ZMK (1921 Atlantic Avenue) submitted by NYC Department of Housing Preservation and Development and DTF Atlantic, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a, eliminating a Special Mixed Use District (MX-10), changing an M1-1/R7D District to an R8A District, and establishing within the proposed R8A District a C2-4 District, for property located in the Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1376), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 386 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 877

Resolution approving the decision of the City Planning Commission on ULURP No. C 190161 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 387).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision dated March 27, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17a, eliminating a Special Mixed Use District (MX-10), changing an M1-1/R7D District to an R8A District, and establishing within the proposed R8A District a C2-4 District, which in conjunction with the related actions would facilitate the development of a new 14-story building containing approximately 235 units of affordable housing plus one superintendent's unit, as well as ground-floor retail and community facility space at 1921 Atlantic Avenue in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3, (ULURP No. C 190161 ZMK) (the "Application");

WHEREAS, the Application is related to applications C 190160 HAK (Pre. L.U. No. 386), an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of City-owned property; N 190162 ZRK (Pre. L.U. No. 388), a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area; and C 190163 HUK (Pre. L.U. No. 389), a first amendment to the Saratoga Square Urban Renewal Plan (URP);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 2, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 9, 2018 (CEQR No. 18HPD104K) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190161 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a:

- 1) eliminating a Special Mixed Use District (MX-10) bounded by a line midway between Herkimer Street and Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), and Prescott Place;
- 2) changing an M1-1/R7D District to an R8A District property bounded by a line midway between Herkimer Street and Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), and Prescott Place; and

- 3) establishing within the proposed R8A District a C2-4 District bounded by a line 100 feet northerly of Atlantic Avenue, Bancroft Place, the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), and Prescott Place;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018, Community District 3, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. 388

Report of the Committee on Land Use in favor of approving Application No. N 190162 ZRK (1921 Atlantic Avenue) submitted by NYC Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1376) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 386 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 878

Resolution approving the decision of the City Planning Commission on Application No. N 190162 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 388).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision dated March 27, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and DTF Atlantic, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for

the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 1, which in conjunction with the related actions would facilitate the development of a new 14-story building containing approximately 235 units of affordable housing plus one superintendent’s unit, as well as ground-floor retail and community facility space at 1921 Atlantic Avenue in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3, (Application No. N 190162 ZRK), (the "Application");

WHEREAS, the Application is related to applications C 190160 HAK (Pre. L.U. No. 386), an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of City-owned property; C 190161 ZMK (Pre. L.U. No. 387), a zoning map amendment to eliminate an MX-10 Special District, change the underlying M1-1/R7D zoning district to an R8A zoning district, and establish a C2-4 commercial overlay; and C 190163 HUK (Pre. L.U. No. 389), a first amendment to the Saratoga Square Urban Renewal Plan (URP);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 2, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 9, 2018 (CEQR No. 18HPD104K) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190162 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

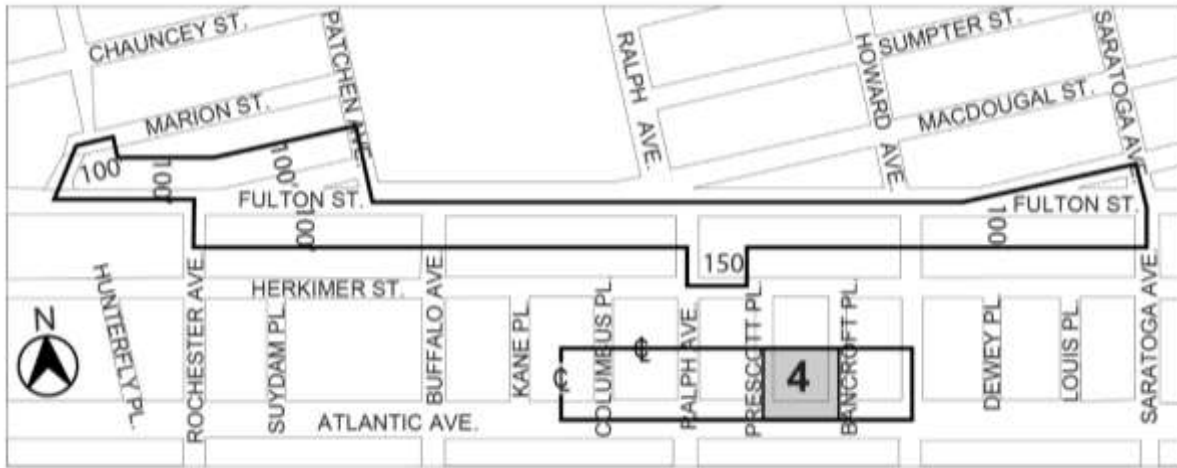
BROOKLYN

* * *

Brooklyn Community District 3

* * *

Map 2 – [date of adoption]



 Inclusionary Housing designated area

 Mandatory Inclusionary Housing Program Area *see Section 23-154 (d) (3)*

Area 4 [date of adoption] – MIH Program Option 1

Portion of Community District 3, Borough of Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. 389

Report of the Committee on Land Use in favor of approving Application No. C 190163 HUK (1921 Atlantic Avenue) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Saratoga Square Urban Renewal Plan for the Saratoga Square Urban Renewal Area, for property located in the Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1376) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 386 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 879

Resolution approving the First Amended Urban Renewal Plan for the Saratoga Square Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 190163 HUK (Preconsidered L.U. No. 389).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision and report dated March 27, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the First Amendment to the Saratoga Square Urban Renewal Plan (URP), which in conjunction with the related actions would modify the use restrictions associated with the URP to facilitate the development of a new 14-story mixed-use building containing approximately 235 units of affordable housing plus one superintendent's unit, as well as ground-floor retail and community facility space at 1921 Atlantic Avenue in the Bedford Stuyvesant neighborhood of Brooklyn, Community District 3, (ULURP No. C 190163 HUK) (the "Application");

WHEREAS, the Application is related to applications C 190160 HAK (Pre. L.U. No. 386), an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of City-owned property; C 190161 ZMK (Pre. L.U. No.387), a zoning map amendment to eliminate an MX-10 Special District, change the underlying M1-1/R7D zoning district to an R8A zoning district, and establish a C2-4 commercial overlay; and N 190162 ZRK (Pre. L.U. No. 388), a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on March 26, 2019 its request for approval of the First Amended Urban Renewal Plan for the Saratoga Square Urban Renewal Area, dated March 25, 2019 (the "Plan");

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and conforms to the provisions of Section 502(7), Article 15 of the General Municipal Law and the finding set forth in Section 504, Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole;

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

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Plan on April 2, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 9, 2018 (CEQR No. 18HPD104K) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190163 HUK, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

The Council finds that the Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, and tends to impair or arrest the sound growth and development of the municipality.

The Council finds that the financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan.

The Council finds that the Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program.

The Council finds that the Plan conforms to a comprehensive community plan for the development of the municipality as a whole.

The Council finds that there is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

The Council finds that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause an additional or increased hardship, to the residents of the Area.

The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law.

The Council approves the amendment of the Plan pursuant to Section 505 of the General Municipal Law and Section 197-d of the Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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, as modified, Application No. N 190180(A) ZRM (270 Park Avenue) submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces in the East Midtown Subdistrict, at 270 Park Avenue (Block 1283, Lot 21), Borough of Manhattan, Council District 4, Community District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1377), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 390 & Res. No. 888 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 391

Report of the Committee on Land Use in favor of approving Application No. C 160175 ZMK (1050 Pacific Street Rezoning) submitted by 1050 Pacific LLC pursuant to Sections 197c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c by changing from an M1-1 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-20), for property located in the Borough of Brooklyn, Council District 35, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1377) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-8 – TWO APPLICATIONS RELATED TO 1050 PACIFIC STREET REZONING C 160175 ZMK (L.U. No. 391)

City Planning Commission decision approving an application submitted by 1050 Pacific Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an M1-4/R7A District property bounded by Pacific Street, a line 225 feet southeasterly of Classon Avenue, Dean Street, and Classon Avenue; and
2. establishing a Special Mixed Use District (MX-20) bounded by Pacific Street, a line 225 feet southeasterly of Classon Avenue, Dean Street, and Classon Avenue;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018, and subject to the conditions of CEQR Declaration E-510.

N 160176 ZRK (L.U. No. 392)

City Planning Commission decision approving an application submitted by 1050 Pacific Street LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a Special Mixed Use District (MX-20) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to rezone a portion of Block 1134 from M1-1 to M1-4/R7A, establish a Mandatory Inclusionary Housing Area utilizing Options 1 and 2, and establish a Special Mixed-Use District (MX-20) to facilitate an eight-story mixed-use development with 105,670 square feet of floor area; 103 dwelling units, 33 of which would be permanently affordable; 15,790 square feet of commercial space on the ground floor; and 42 below-grade accessory parking at 1050 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8.

PUBLIC HEARING

DATE: April 16, 2019

Witnesses in Favor: Three

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 391 and 392.

In Favor:

Moya, Constantinides, Reynoso, Richards, Rivera, Torres. Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Koo, Miller, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

Against:

Barron

Abstain:

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 880

Resolution approving the decision of the City Planning Commission on ULURP No. C 160175 ZMK, a Zoning Map amendment (L.U. No. 391).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 8, 2019 its decision dated April 8, 2019 (the "Decision"), on the application submitted by 1050 Pacific Street LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an M1-4/R7A District on a portion of Block 1134 and establishing a Special Mixed Use District (MX-20), which in conjunction with the related action would facilitate an eight-story mixed-use development with 105,670 square feet of floor area; 103 dwelling units, 33 of which would be permanently affordable; 15,790 square feet of commercial space on the ground floor; and 42 below-grade accessory parking at 1050 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8, (ULURP No. C 160175 ZMK) (the "Application");

WHEREAS, the Application is related to application N 160176 ZRK (L.U. No. 392), a zoning text amendment to establish a Special Mixed Use District (MX-20) and designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 29th, 2018 (CEQR No. 17DCP205K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-510)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-510) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 160175 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an M1-4/R7A District property bounded by Pacific Street, a line 225 feet southeasterly of Classon Avenue, Dean Street, and Classon Avenue; and
2. establishing a Special Mixed Use District (MX-20) bounded by Pacific Street, a line 225 feet southeasterly of Classon Avenue, Dean Street, and Classon Avenue;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018, and subject to the conditions of CEQR Declaration E-510, Borough of Brooklyn, Community District 8.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. C 160176 ZRK (1050 Pacific Street Rezoning) submitted by 1050 Pacific LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a Special Mixed Use District (MX-20) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1377) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 391 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 881

Resolution approving the decision of the City Planning Commission on Application No. N 160176 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 392).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 8, 2019 its decision dated April 8, 2019 (the "Decision"), on the application submitted by 1050 Pacific Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a Special Mixed Use District (MX-20) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Options 1 and 2 on Block 1134, Lots 2, 4, 5, 7, 8, 9, 11, 12, 96, and 97, and portions of Lots 81 and 17, which in conjunction with the related action would facilitate an eight-story mixed-use development with 105,670 square feet of floor area; 103 dwelling units, 33 of which would be permanently

affordable; 15,790 square feet of commercial space on the ground floor; and 42 below-grade accessory parking at 1050 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8, (Application No. N 160176 ZRK), (the "Application");

WHEREAS, the Application is related to application C 160175 ZMK (L.U. No. 391), a zoning map amendment to rezone an M1-1 district to an M1-4/R7A district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 29th, 2018 (CEQR No. 17DCP205K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-510)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-510) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 160176 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE XII

SPECIAL PURPOSE DISTRICTS

Chapter 3

Special Mixed Use District

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

* * *

| #Special Mixed Use District# | Designated #Residence District# |
|--|---------------------------------|
| MX-1 – Community District 1, The Bronx | R6A R7D |
| MX 2 - Community District 2, Brooklyn | R7A R8A |
| MX 4 – Community District 3, Brooklyn | R6A |
| MX 8 - Community District 1, Brooklyn | R6 R6A R6B R7A |
| MX 11 - Community District 6, Brooklyn | R7-2 |
| MX 13 – Community District 1, The Bronx | R6A R7A R7X R8A |
| MX 14 - Community District 6, The Bronx | R7A R7X |
| MX 16 - Community Districts 5 and 16, Brooklyn | R6A R7A R7D R8A |
| <u>MX 20 – Community District 8, Brooklyn</u> | <u>R7A</u> |

* * *

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 17: (3/22/18)

Hunts Point, the Bronx

The #Special Mixed Use District# - 17 is established in Hunts Point in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 20: [date of adoption]

Crown Heights West, Brooklyn

The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

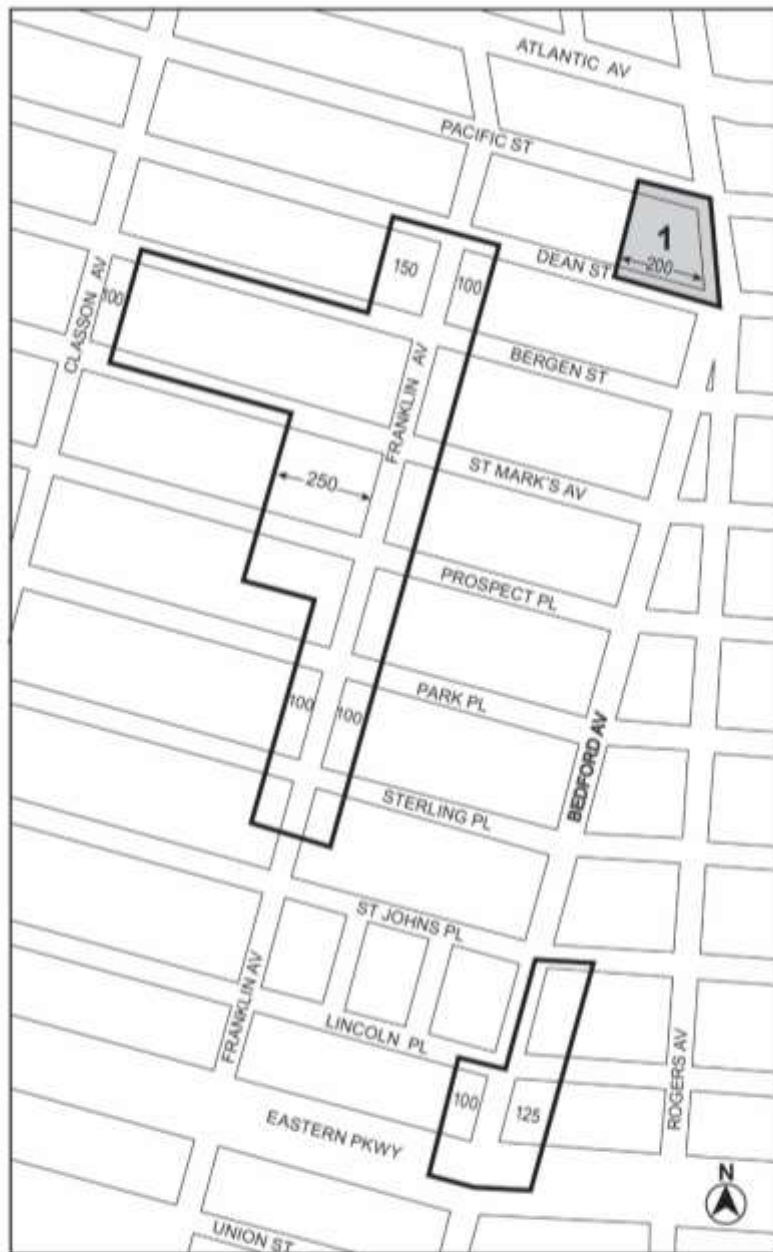
BROOKLYN



* * *

Brooklyn Community District 8

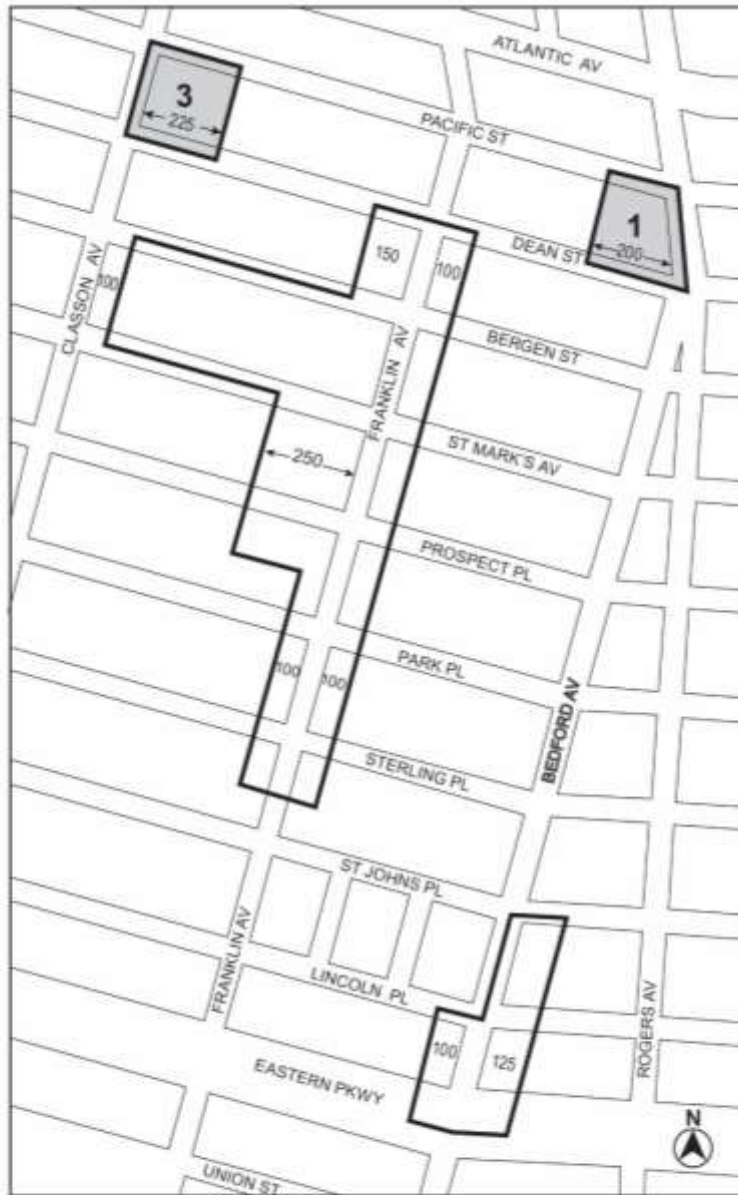
Map 1 - (date of adoption)



[EXISTING MAP]



-  *Inclusionary Housing designated area*
-  **Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
Area 1 – 7/20/17 MIH Program Option 1

[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 7/20/17 MIH Program Option 1
 - Area 3 – [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 8, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. 393

Report of the Committee on Land Use in favor of approving Application No. C 180042 ZMK (1010 Pacific Street Rezoning) submitted by 1010 Pacific Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16c, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, for property located in the Borough of Brooklyn, Council District 35, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1377) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-8 – TWO APPLICATIONS RELATED TO 1010 PACIFIC STREET REZONING

C 180042 ZMK (L.U. No. 393)

City Planning Commission decision approving an application submitted by 1010 Pacific Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an R7D District property bounded by Pacific Street, Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 440 feet northwesterly of Classon Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by Pacific Street, Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 440 feet northwesterly of Classon Avenue;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018, and subject to the conditions of CEQR Declaration E-503.

N 180043 ZRK (L.U. No. 394)

City Planning Commission decision approving an application submitted by 1010 Pacific Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change an M1-1 zoning district to an R7D/C2-4 zoning district in which the City Planning Commission has modified this application from R7D/C2-4 to R7A/C2-4 and establish a Mandatory Inclusionary Housing Area utilizing Options 1 and 2 to facilitate an 11-story mixed-use development with approximately 154 dwelling units and ground floor commercial and community facility space at 1010 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8.

PUBLIC HEARING

DATE: April 16, 2019

Witnesses in Favor: Seven

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 393 and 394.

In Favor:

Moya, Constantinides, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 7, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Koo, Miller, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

Against:

Barron

Abstain:

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 882

Resolution approving the decision of the City Planning Commission on ULURP No. C 180042 ZMK, a Zoning Map amendment (L.U. No. 393).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 8, 2019 its decision dated April 8, 2019 (the "Decision"), on the application submitted by 1010 Pacific Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16c, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related action would facilitate an 11-story mixed-use development with approximately 154 dwelling units and ground floor commercial and community facility space at 1010 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8, (ULURP No. C 180042 ZMK) (the "Application");

WHEREAS, the Application is related to application N 180043 ZRK (L.U. No. 394), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued April 10th, 2019, which supersedes the Negative Declaration issued October 29th, 2018, and Revised Environmental Assessment Statement issued April 5th, 2019 (CEQR No. 16DCP134K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-503)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-503) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180042 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to an R7A District property bounded by Pacific Street, Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 440 feet northwesterly of Classon Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Pacific Street, Classon Avenue, a line midway between Pacific Street and Dean Street, and a line 440 feet northwesterly of Classon Avenue;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018, modified by the City Planning Commission on April 8, 2019, and subject to the conditions of CEQR Declaration E-503, Community District 8, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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. 394

Report of the Committee on Land Use in favor of approving Application No. N 180043 ZRK (1010 Pacific Street Rezoning) submitted by 1010 Pacific Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 35, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1378) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 393 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 883

Resolution approving the decision of the City Planning Commission on Application No. N 180043 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 394).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 8, 2019 its decision dated April 8, 2019 (the "Decision"), on the application submitted by 1010 Pacific Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Options 1 and 2 on Block 1133, Lots 32, 42-49, and 51-53, which in conjunction with the related action would facilitate an 11-story mixed-use development with approximately 154 dwelling units and ground floor commercial and community facility space at 1010 Pacific Street in the Crown Heights neighborhood of Brooklyn, Community District 8, (Application No. N 180043 ZRK), (the "Application");

WHEREAS, the Application is related to application C 180042 ZMK (L.U. No. 393), a zoning map amendment to rezone an M1-1 district to an R7D district with a C2-4 commercial overlay;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued April 10th, 2019, which supersedes the Negative Declaration issued October 29th, 2018, and Revised Environmental Assessment Statement issued April 5th, 2019 (CEQR No. 16DCP134K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-503)).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-503) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180043 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

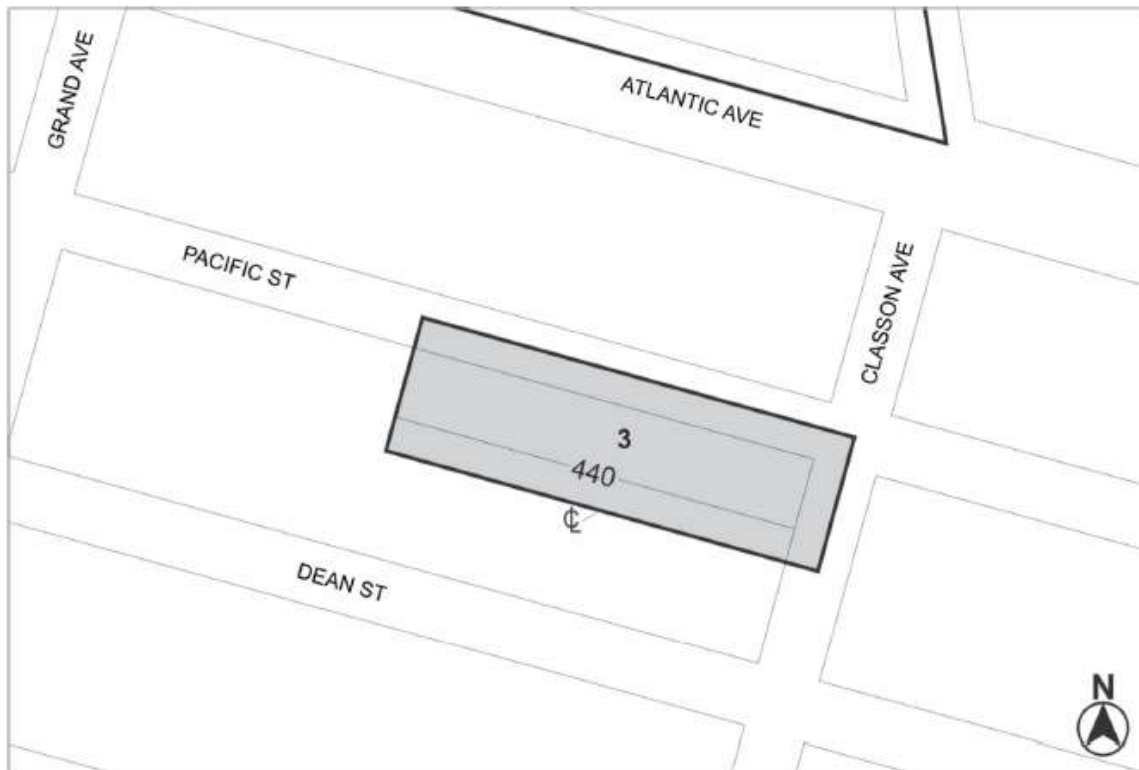
Brooklyn

* * *

Brooklyn Community District 8

* * *

Map 3 - [date of adoption]



- Inclusionary Housing Designated Area
- Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))

Area 3 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 8, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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-161

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-designation by the Council of Joseph Puma as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Council communication was referred on May 8, 2019 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-162, printed below in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of Joseph Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2021.

This matter will be referred to the Committee on May 8, 2019.

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

Res. No. 884

RESOLUTION APPROVING THE RE-DESIGNATION BY THE COUNCIL OF JOSEPH PUMA AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the re-designation by the Council of Joseph Puma as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2021.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH ROSE, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, May 8, 2019.

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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-162

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-designation by the Council of Nathan N. Joseph as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Council communication was referred on May 8, 2019 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(The following is the text of the Briefing Paper for Preconsidered items M-162 and M-161:)

Topic: *New York City Civilian Complaint Review Board– (Council candidates for designation)*

- **Nathan N. Joseph [Preconsidered M-162]**
- **Joseph Puma [Preconsidered M-161]**

New York City Charter (“Charter”) § 440 created the New York City Civilian Complaint Review Board (“CCRB” or “the Board”) as an entity independent of the New York City Police Department (“NYPD”). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board’s membership must reflect the City’s diverse population, and all members must be residents of the City.

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and

supervises the agency's all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.00.

The CCRB is authorized to "receive, investigate, hear, make findings and recommend action" upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB's jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City's Administrative Procedural Act ("CAPA"). These rules regulate the way in which investigations are conducted¹, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB's findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB.

If re-designated by the Council and subsequently appointed by the Mayor, Mr. Joseph, a resident of Staten Island, will serve for a three year term that will begin on July 5, 2019 and expires on July 4, 2022.

If re-designated by the Council and subsequently appointed by the Mayor, Mr. Puma, a resident of Manhattan, will serve for a three year term that expires on July 4, 2021.

Copies of the candidate's resumes are annexed to this Briefing Paper.

Attachments

¹ The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

PROJECT STAFF

Charles W. Davis III, Director
Andre Johnson-Brown, Legislative Investigator
Elizabeth Guzman, Committee Counsel

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Joseph Puma [M-161, please see the Report of the Committee on Rules, Privileges and Elections for M-161 printed in these Minutes; For nominee Nathan N. Joseph [M-162], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of Nathan N. Joseph as a member of the New York City Civilian Complaint Review Board to serve for a three-year term that will begin on July 5, 2019 and expires on July 4, 2022.

This matter will be referred to the Committee on May 8, 2019.

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

Res. No. 885

RESOLUTION APPROVING THE RE-DESIGNATION BY THE COUNCIL OF NATHAN N. JOSEPH AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the re-designation by the Council of Nathan N. Joseph as a member of the New York City Civilian Complaint Review Board to serve for a three-year term that will begin on July 5, 2019 and expires on July 4, 2022.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH ROSE, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, ADRIENNE E. ADAMS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, May 8, 2019.

On motion of the Speaker (Council Member Johnson), 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

Report for L.U. No. 379 & Res. No. 886

Report of the Committee on Land Use in favor of approving Application No. C 190053 ZMK (1640 Flatbush Avenue Rezoning) submitted by 1640 Flatbush Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to an R6 District, changing from an R6 District to a C4-4D District, and changing from a C8-2 District to a C4-4D, on property located in the Borough of Brooklyn, Council District 45, Community District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1237) and which same Land Use item was coupled with the resolution shown below, was previously before the Council at the April 18, 2019 Stated Meeting (Minutes, page 1475) and was referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-14 - TWO APPLICATIONS RELATED TO 1640 FLATBUSH AVENUE REZONING

C 190053 ZMK (Pre. L.U. No. 379)

City Planning Commission decision approving an application submitted by 1640 Flatbush Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a:

1. changing from a C8-2 District to an R6 District property bounded by the southerly boundary line of a former public place, a line 200 feet easterly of East 31st Street, a line 100 feet northerly of Aurelia Court and its westerly prolongation, and a line midway between East 31st Street and Nostrand Avenue;
2. changing from an R6 District to a C4-4D District property bounded by a line 100 feet northerly of Aurelia Court, the northerly centerline prolongation of East 32nd Street, Aurelia Court, and a line 200 feet easterly of East 31st Street; and
3. changing from a C8-2 District to a C4-4D District property bounded by the southerly boundary line of a former public place and its easterly prolongation, Flatbush Avenue, Aurelia Court, the northerly centerline prolongation of East 32nd Street, a line 100 feet northerly of Aurelia Court, and a line 200 feet easterly of East 31st Street;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018 and subject to the conditions of CEQR Declaration E-506.

N 190054 ZRK (Pre. L.U. No. 380)

City Planning Commission decision approving an application submitted by 1640 Flatbush Owner, LLC,

pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to rezone a portion of the Development Site (Block 7577, Lot 60) from a C8-2 district and R6 district to a C4-4D district, a portion of the Development site from an R6 district to a C4-4D district, and portions of Lot 25 Block 7577 and Lot 69 of Block 7576 from C8-2 to an R6 district; and to designate the Development Site (Block 7577, Lot 60) as a mandatory Inclusionary Housing Area in the Flatbush neighborhood of Brooklyn Community District 14.

PUBLIC HEARING

DATE: March 19, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) for Pre. LU No. 379 and approve with modifications the decision of the CPC on Pre. L.U. No. 380.

In Favor:

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 17, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

Against:

Barron
King

Abstain:

Miller

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated April 26, 2019, with the Council on April 26, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 886

Resolution approving the decision of the City Planning Commission on ULURP No. C 190053 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 379).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 15, 2019 its decision dated March 13, 2019 (the "Decision"), on the application submitted by 1640 Flatbush Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to an R6 District, changing from an R6 District to a C4-4D District, and changing from a C8-2 District to a C4-4D District, which in conjunction with the related action would facilitate the construction of a new, approximately 130,000-square-foot mixed-use development with two floors of commercial space and approximately 114 residential units at 1640 Flatbush Avenue (Block 7577, Lot 60) in the Flatbush neighborhood of Brooklyn Community District 14, (ULURP No. C 190053 ZMK) (the "Application");

WHEREAS, the Application is related to application N 190054 ZRK (Pre. L.U. No. 380), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 29th, 2018 (CEQR No. 19DCP028K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-506));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-506) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190053 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 23a:

1. changing from a C8-2 District to an R6 District property bounded by the southerly boundary line of a former public place, a line 200 feet easterly of East 31st Street, a line 100 feet northerly of Aurelia Court and its westerly prolongation, and a line midway between East 31st Street and Nostrand Avenue;
2. changing from an R6 District to a C4-4D District property bounded by a line 100 feet northerly of Aurelia Court, the northerly centerline prolongation of East 32nd Street, Aurelia Court, and a line 200 feet easterly of East 31st Street; and
3. changing from a C8-2 District to a C4-4D District property bounded by the southerly boundary line of a former public place and its easterly prolongation, Flatbush Avenue, Aurelia Court, the northerly centerline prolongation of East 32nd Street, a line 100 feet northerly of Aurelia Court, and a line 200 feet easterly of East 31st Street;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018 and subject to the conditions of CEQR Declaration E-506.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019

On motion of the Speaker (Council Member Johnson), 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. 380 & Res. No. 887

Report of the Committee on Land Use in favor of approving Application No. N 190054 ZRK (1640 Flatbush Avenue Rezoning) submitted by 1640 Flatbush Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, on property located in Borough of Brooklyn, Council District 45, Community District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1238) and which same Land Use item was coupled with the resolution shown below, was previously before the Council at the April 18, 2019 Stated Meeting (Minutes, page 1477) and was referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 379 & Res. No. 886 printed above in the General Order Calendar of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 887

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190054 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 380).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 15, 2019 its decision dated March 13, 2019 (the "Decision"), on the application submitted by 1640 Flatbush Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, utilizing Option 2, the development site (Block 7577, Lot 60), which in conjunction with the related action would facilitate the construction of a new, approximately 130,000-square-foot mixed-use development with two floors of commercial space and approximately 114 residential units at 1640 Flatbush Avenue in the Flatbush neighborhood of Brooklyn Community District 14, (Application No. N 190054 ZRK), (the "Application");

WHEREAS, the Application is related to application C 190053 ZMK (Pre. L.U. No. 379), a zoning map amendment to change C8-2 and R6 zoning districts to C4-4D and R6 districts;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 29th, 2018 (CEQR No. 19DCP028K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-506));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-506) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190054 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Matter ~~double struck~~ out is to be deleted by the City Council
Matter double underlined is added by the City Council

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

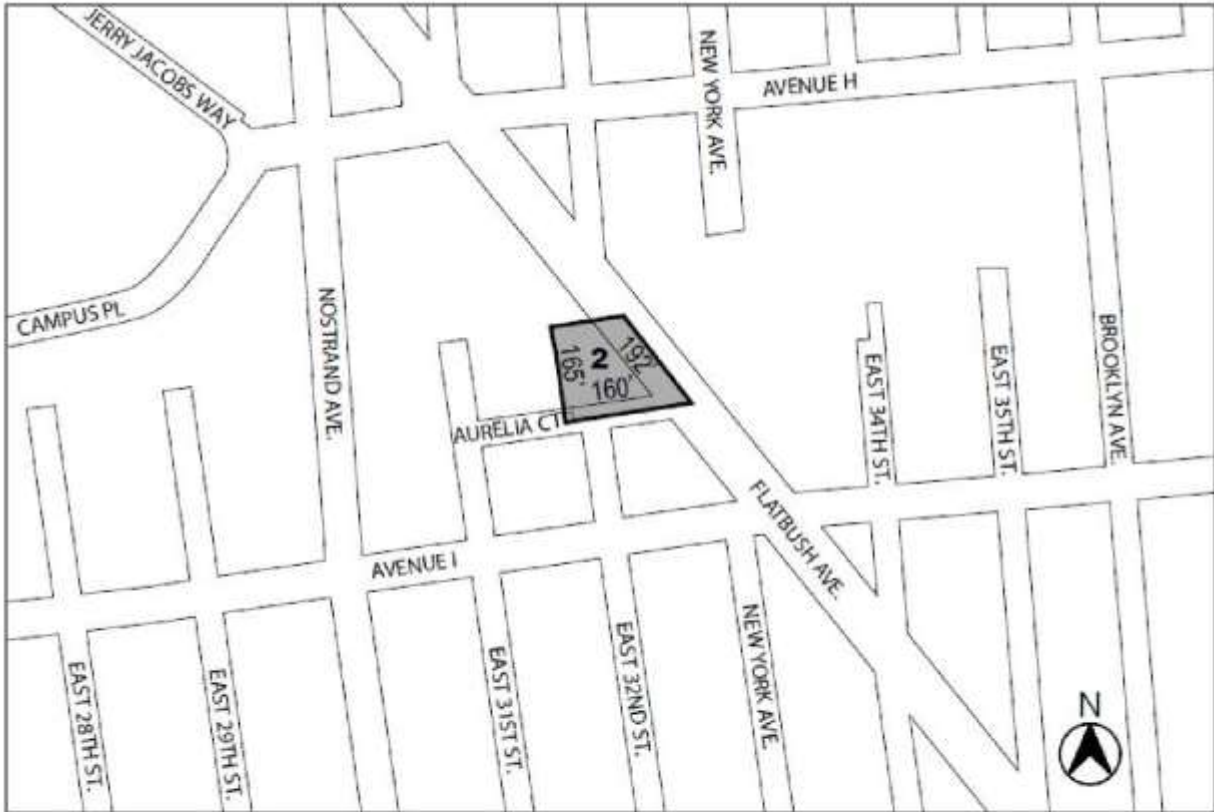
* * *


Brooklyn Community District 14

* * *

Map [] – (date of adoption)

[PROPOSED MAP]



 Mandatory Inclusionary Housing Area (see Section 23-154 (d) (3))
 Area 2 — mm/dd/yy, MIH Program ~~Option 2~~ Option 1

Portion of Community District 14, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

On motion of the Speaker (Council Member Johnson), 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 & Res. No. 888

Report of the Committee on Land Use in favor of approving Application No. N 190180(A) ZRM (270 Park Avenue) submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces in the East Midtown Subdistrict, at 270 Park Avenue (Block 1283, Lot 21), Borough of Manhattan, Council District 4, Community District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on April 9, 2019 (Minutes, page 1377) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

N 190180(A) ZRM

City Planning Commission decision approving an application submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces in the East Midtown Subdistrict.

INTENT

To approve the amendment of Article VIII, Chapter 1 (Special Midtown District) of the text of the Zoning Resolution, in order to modify paragraph (b)(1)(iii) pursuant to Section 81-681(b) (Mandatory publicly accessible space requirements for qualifying sites) and modifications to the design requirements for paragraph (b)(2) to facilitate a new office building that would be approximately 70 stories tall and would utilize approximately 1,871,764 square feet of floor area, including 666,766 square feet of floor area transferred from Grand Central Terminal at 270 Park Avenue (Block 1283, Lot 21) in the East Midtown neighborhood of Manhattan Community District 5.

PUBLIC HEARING

DATE: April 16, 2019

Witnesses in Favor: Eleven

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: May 2, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

In Favor:

Moya, Constantinides, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 7, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Miller, Reynoso, Richards, Torres, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 8, 2019, with the Council on May 8, 2019, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 888

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190180(A) ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 390).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 29, 2019 its decision dated March 27, 2019 (the "Decision"), on the application submitted by JPMorgan Chase Bank, N.A., pursuant to Section 201 of the New York City Charter, for an amendment of Article VIII, Chapter 1 (Special Midtown District) of the text of the Zoning Resolution of the City of New York, modifying retail continuity, street wall and plaza design requirements for publicly accessible spaces on the development site of the zoning map amendment pursuant to Section 81-681(b) (Mandatory publicly accessible space requirements for qualifying sites) to modify paragraph (b)(1)(iii) and modifications to the design requirements as set forth in paragraph (b)(2) to facilitate a new office building that would be approximately 70 stories tall and would utilize approximately 1,871,764 square feet of floor area, including 666,766 square feet of floor area transferred from Grand Central Terminal at 270 Park Avenue (Block 1283, Lot 21) in the East Midtown neighborhood of Manhattan Community District 5, (Application No. N 190180(A) ZRM), (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued March 25th, 2019 which supersedes the Negative Declaration issued November 13th, 2018, and the Revised Environmental Assessment Statement issued March 25th, 2019 (CEQR No. 19DCP085M).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190180(A) ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council
- * * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

* * *

**81-681
Mandatory requirements for qualifying sites**

* * *

(b) Mandatory publicly accessible space requirements for qualifying sites

* * *

(1) Type and minimum size

* * *

(iii) A #qualifying site# with a #lot area# of 65,000 square feet or greater shall provide an open publicly accessible space with an area of not less than 10,000 square feet. Where such #qualifying site# has a #through lot# portion, such #qualifying site# shall provide an open publicly accessible space across the #through lot# portion.

However, for a #qualifying site# with a #lot area# of 80,000 square feet or greater that includes an existing entrance to a rail mass-transit facility located outside the #through lot# portion of the #zoning lot# existing on (date of adoption), such open publicly accessible space may be located so as to include the entrance to a rail mass-transit facility, provided that such open publicly accessible space adjoins a #street# or a required sidewalk widening, as applicable.

(2) Design requirements for publicly accessible spaces

(i) Open publicly accessible space

For open publicly accessible space, the provisions of Section 37-70, inclusive, shall apply, except that the provisions of Section 37-713 (Locational restrictions) shall not apply. In addition, the following modifications or waivers may be applied under certain circumstances:

(a) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, and the majority of the subsurface area of such #qualifying site# is occupied by a railroad right-of-way, thus imposing practical difficulty in configuring the #building# or required publicly accessible space:

(1) the provisions of Sections 81-42 (Retail Continuity Along Designated Streets), 81-43 (Street Wall Continuity Along Designated Streets), and 81-671 (Special street wall requirements), paragraph (d) of Section 37-715 (Requirements for major portions of public plazas) need not apply;

(2) where #street wall# requirements are not applied, the provisions of paragraph (a) and (b) of Section 37-726 (Permitted obstructions) may be modified to allow a portion of an open publicly accessible space to be covered by a #building or other structure#, provided that there is an average separation of at least 50 feet between the level of such open publicly accessible space and any portion of #building# above, and further provided that any such portion shall be located no lower than 40 feet above the level of such open publicly accessible space. In addition, such #building or other structure# shall not obstruct more than 60 percent of the area of such open publicly accessible space;

(3) the provisions of paragraphs (a) and (c) of Section 37-76 (Mandatory Allocation of Frontages for Permitted Uses) need not apply, where at least one food service kiosk shall abut or be included within such open publicly accessible space. The size limitations of paragraph (a), and the certification requirements of paragraph (c) of Section 37-73 shall not apply to such kiosk.

(4) where the provisions of paragraph (d) of Section 37-715 are not applied, the provisions of paragraph (a) of Section 37-721 (Sidewalk frontage) may be modified to require no more than 40 percent of the area within 15 feet of any such #street line# to be free of obstructions and the provisions of Section 37-741 (Seating), may be modified to

exclude the length of any such #street line# from the calculation of the amount of seating required within 15 feet of such #street line#.

- (b) For #qualifying sites# where an open publicly accessible space is permitted to adjoin a #street# or a required sidewalk widening to accommodate an entrance to a rail mass-transit facility in accordance with paragraph (b)(1)(iii) of this Section, the Chairperson of the City Planning Commission shall permit modifications to the remaining design provisions of Section 37-70, inclusive, upon certification to the Department of Buildings that such modifications are limited to those that directly address practical difficulties resulting from the presence of the entrance to a rail mass-transit facility within the open publicly accessible space. Any application shall include materials demonstrating the extent of modifications necessary. The Chairperson, in consultation with the Metropolitan Transportation Authority, shall determine the appropriate amount of above-grade pedestrian circulation space into and around the entrance to such rail mass-transit facility.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 7, 2019.

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

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 Applicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|---------------------------|---|-------------------|
| Angeliz Rodriguez | 606 W 57 Street #Unit 640 New York, New York 10019 | 6 |
| Abdul Kenchi | 28 W 127th Street #4C New York, New York 10027 | 9 |
| Shannon Ellison | 950 Evergreen Ave #3J Bronx, New York 10473 | 17 |
| Ayyub Alim | 1545 Unionport Rd Bronx, New York 10462 | 18 |
| Guohuan Zhang | 211-45 94th Rd Queens, New York 11428 | 23 |
| Oksawa Tarasova | 1118 Avenue Z #3L Brooklyn, New York 11235 | 48 |
| Magaly Pellicier Figueroa | 159 Pouch Terrace Staten Island, New York 10305 | 50 |

Approved Reapplicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|-------------------------|---|-------------------|
| Karen M. Mack | 500 East Houston Street #11 New York, New York 10002 | 2 |
| Dilys G. Rubizzi | 107 Christopher Street New York, New York 10014 | 3 |
| Marion MacQueen Chase | 230 Central Park South #5A New York, New York 10019 | 4 |
| Aida I. Menendez | 1806 First Avenue #22H New York, New York 10028 | 5 |
| Anita Sapirman | 65 West 90th Street New York, New York 10024 | 6 |
| Gloria Quinones | 217 West 62nd Street Apt. 4B New York, New York 10023 | 6 |
| Kenneth W. Majerus | 372 Central Park West #12T New York, New York 10025 | 7 |
| Latesha Scott | 1405 Park Avenue #4A New York, New York 10029 | 8 |
| Maria V. Sanchez | 2289 5th Avenue #16B New York, New York 10037 | 9 |
| Mary R. Salierno | 20 West 115th Street #1J New York, New York 10026 | 9 |
| Michelle Johnson | 177 West 151st Street #16 New York, New York 10039 | 9 |
| Anntoinette H. Peterson | 320 Wadsworth Avenue Bsmt New York, New York 10040 | 10 |
| Samuel Cortorreal | 5600 Fieldston Rd #2 Bronx, New York 10471 | 11 |
| Deborah Cooke | 120 Casals Place #22H Bronx, New York 10475 | 12 |
| Diane Blair | 3436 Fenton Avenue #3B New York, New York 10469 | 12 |
| Iesha Pair | 4120 Hutchinson River Parkway East #23A Bronx, New York 10475 | 12 |

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|-------------------------|--|----|
| Lashawn Clemons | 100 Casals Place #27K Bronx, New York 10475 | 12 |
| Vernice McMillian | 1175 East 225th Street Bronx, New York 10466 | 12 |
| Jacie Depaulis | 2230 Andrews Avenue Bronx, New York 10453 | 14 |
| Blanca Daly | 2300 Olinville Avenue #18B Bronx, New York 10467 | 15 |
| Diane Johnson | 725 Garden Street #10C Bronx, New York 10457 | 15 |
| Margaret McCrae | 2245 Barker Avenue #B Bronx, New York 10467 | 15 |
| Regina V. Dillard | 1747 Clay Avenue #2G Bronx, New York 10457 | 15 |
| Annette Santiago | 730 Elton Avenue Bronx, New York 10455 | 17 |
| Careen Medina | 1125 Wyatt Street #2F Bronx, New York 10460 | 17 |
| Cesar A. Riofrio | 1369 Leland Avenue Bronx, New York 10460 | 17 |
| Elsie Rivera | 1940 East Tremont Avenue #4F Bronx, New York 10462 | 18 |
| Joanne Torres | 420 Lexington Ave #2750 New York, New York 10170 | 18 |
| Hulling Zheng | 46-57 156th Street Flushing, New York 11355 | 20 |
| Tracy Garcia-Mitchell | 96-04 57th Avenue #18G Queens, New York 11368 | 21 |
| Debra S. Siegel | 85-36 213th Street Queens, New York 11427 | 23 |
| Mahilthini Neomi Ranjan | 88-49 205th Street Hollis, New York 11423 | 23 |
| Akm Rahman | 108-52 Union Hall Street, 1st Floor Jamaica, New York 11433 | 24 |

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|------------------------|--|----|
| Dionicia Suero | 31-31 84th Street East Elmhurst, New York 11370 | 25 |
| Kofii Lloyd | 35-35 21st Street #2D Queens, New York 11106 | 25 |
| Antoinette Witherspoon | 41-11 12th Street #5D Queens, New York 11101 | 26 |
| Cindy Garcia | 43-19 39th Place #21 Sunnyside, New York 11104 | 26 |
| Tracey Whisnant | 21-09 35th Avenue #1 Long Island City, New York 11106 | 26 |
| Carol Bell | 190-36 118th Road St. Albans, New York 11412 | 27 |
| Ladania M. Bailey | 221-19 114th Road Queens, New York 11411 | 27 |
| Lois-Jean Benjamin | 164-03 O'Donnell Road #1 Jamaica, New York 11433 | 27 |
| Jean Frantz Noel | 163-27 130th Avenue #2B Jamaica, New York 11434 | 28 |
| Jennifer Renegan | 51-71 47th Street Woodside, New York 11377 | 30 |
| Jenny Lee | 73-36 52nd Avenue Maspeth, New York 11378 | 30 |
| Carol McPherson | 257-45 149th Avenue Rosedale, New York 11422 | 31 |
| Nedra Knight | 145-47 181st Street Queens, New York 11413 | 31 |
| Rolando Vasquez | 330 Bergen Street #1C Brooklyn, New York 11217 | 33 |
| Brenai Campbell | 1680 Bedford Avenue #3B Brooklyn, New York 11225 | 35 |
| Charlena Lowery | 309 Lafayette Avenue #17K Brooklyn, New York 11238 | 35 |
| Daisy A. James | 1092 President Street #5 Brooklyn, New York 11225 | 35 |
| Margaret Felder | 110 Van Buren Street Brooklyn, New York 11221 | 36 |

| | | |
|----------------------------|--|----|
| Diana Alvarez | 125 Richmond Street Brooklyn, New York 11208 | 37 |
| Willie G. Mack | 173 Van Siclen Avenue Brooklyn, New York 11207 | 37 |
| Miriam Rivera | 134 Dikeman Street #4R Brooklyn, New York 11231 | 38 |
| Zuleima Astol | 744 60th Street Brooklyn, New York 11220 | 38 |
| James D. Noble | 151 Dahill Road Brooklyn, New York 11218 | 39 |
| Jean Sheil | 792 President Street Brooklyn, New York 11215 | 39 |
| John Johnston | 346 Coney Island Avenue #105 Brooklyn, New York 11218 | 39 |
| Sofia Zoulis | 62 Louisa Street Brooklyn, New York 11218 | 39 |
| Maxi Eugene | 143 Linden Blvd #2A Brooklyn, New York 11226 | 40 |
| Ruth Thomas | 788 Hancock Street Brooklyn, New York 11233 | 41 |
| Stephanie D. Jones | 155 East 43rd Street Brooklyn, New York 11203 | 41 |
| Gaspar Burgos | 350 Sheffield Avenue #3K Brooklyn, New York 11207 | 42 |
| Lorraine Richards-Hanberry | 357 Wortman Avenue #4A Brooklyn, New York 11207 | 42 |
| Marilyn Thornton-Chase | 185 Ardsley Loop #11A Brooklyn, New York 11239 | 42 |
| Donald Frangipani | 6912 17th Avenue Brooklyn, New York 11214 | 43 |
| Ian A. Petersen | 7312 Narrows Avenue Brooklyn, New York 11209 | 43 |
| Lucille Carletta | 8215 11th Avenue Brooklyn, New York 11228 | 43 |

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|---------------------------|---|----|
| Patricia Anne Rizzo | 1757 Bath Avenue #2 Brooklyn, New York 11214 | 43 |
| Fran Oliva | 2150 71st Street #3A Brooklyn, New York 11204 | 44 |
| Yitzchok Fishman | 159 Parkville Avenue Brooklyn, New York 11230 | 44 |
| Carole Wilson | 638 East 59th Street Brooklyn, New York 11234 | 45 |
| Wilner Michel | 1245 Ocean Avenue #1E Brooklyn, New York 11230 | 45 |
| Marissa Gangichiodo | 1652 East 56th Street Brooklyn, New York 11234 | 46 |
| Shelomo Alfassa | 1269 East 69th Street Brooklyn, New York 11234 | 46 |
| Suzanne G Rose | 11 Kansas Place Brooklyn, New York 11234 | 46 |
| Tessa C. Richardson-Jones | 1472 East 91st Street Brooklyn, New York 11236 | 46 |
| Joann Randazzo | 1930 72nd Street Brooklyn, New York 11204 | 47 |
| Marcia Greenblatt | 2765 West 5th Street #20E Brooklyn, New York 11224 | 47 |
| Alla Gurevich | 2965 Avenue Z #2M Brooklyn, New York 11235 | 48 |
| Kelly Ilene Steier | 1730 East 14th Street #3A Brooklyn, New York 11229 | 48 |
| Marina Tkachuk | 2432 East 28th Street #2 Brooklyn, New York 11235 | 48 |
| Victoria Shargorosky | 2665 Homecrest Avenue #2C Brooklyn, New York 11235 | 48 |
| Vivian SiFontes | 2538 East 12th Street Brooklyn, New York 11235 | 48 |
| Celia Y. Luzcando | 32 Markham Lane #2B Staten Island, New York 10310 | 49 |
| Daniel Williams | 85 Parkhill Court Staten Island, New York 10304 | 49 |

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|------------------|--|----|
| Ivette Speight | 381 Victory Blvd #2 Staten Island, New York 10301 | 49 |
| Renee Parham | 78 Pleasant Valley Avenue Staten Island, New York 10304 | 49 |
| Dylene Schifando | 360 Burgher Avenue Staten Island, New York 10305 | 50 |
| Francine Capelli | 19 Leeds Street Staten Island, New York 10306 | 50 |
| Barbara Tonrey | 92 Token Street Staten Island, New York 10312 | 51 |
| Debra Thives | 15 Wildwood Lane Staten Island, New York 10307 | 51 |
| Gina-Marie Zupo | 29 Luke Court Staten Island, New York 10306 | 51 |
| Harry Helfenbaum | 64 Annandale Road Staten Island, New York 10312 | 51 |

On motion of the Speaker (Council Member Johnson), 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-161 & Res 884 -** The re-designation by the Council of **Joseph Puma** as a member of the New York City Civilian Complaint Review Board.
- (2) **M-162 & Res 885 -** The re-designation by the Council of **Nathan N. Joseph** as a member of the New York City Civilian Complaint Review Board.
- (3) **Int 59-A -** Disclosures by persons making buyout offers.
- (4) **Int 551-A -** Filing information regarding buyout agreements.
- (5) **Int 562-A -** Posting of hurricane evacuation zone and evacuation center.
- (6) **Int 975-A -** Denying building permits.
- (7) **Int 977-A -** Sanctions for submitting incorrect professionally certified applications.
- (8) **Int 1107-A -** Submittal of construction documents.
- (9) **Int 1171-A -** Identifying unlawful statements.
- (10) **Int 1241-A -** Expanding sanctions for submission.
- (11) **Int 1242-A -** Expanding available data.
- (12) **Int 1247-A -** Providing residents with copies of notices of violations.
- (13) **Int 1257-A -** Inspections of construction sites.
- (14) **Int 1258-A -** Mandating audits of the records of process servers and creating a notification system.

- (15) **Int 1274-A -** Requiring landlords to obtain and provide tenants with the previous four years of rental history.
- (16) **Int 1275-A -** Denying permits for occupied buildings.
- (17) **Int 1277-A -** Preliminary inspections.
- (18) **Int 1278-A -** Requiring heightened review of tenant protection plans and increased enforcement of building code standards.
- (19) **Int 1279-A -** Preservation and development to audit a certain percentage of certifications of correction.
- (20) **Int 1280-A-** Tenant protection plan and penalties for false statements.
- (21) **Int 1533-A -** Definition of site safety training.
- (22) **L.U. 379 & Res 886 -** App. C **190053 ZMK (1640 Flatbush Avenue Rezoning)** Brooklyn, Council District 45, Community District 14.
- (23) **L.U. 380 & Res 887 -** App. N **190054 ZRK (1640 Flatbush Avenue Rezoning)** Brooklyn, Council District 45, Community District 14.
- (24) **L.U. 386 & Res 876 -** App. C **190160 HAK (1921 Atlantic Avenue)** Brooklyn, Council District 41, Community District 3.
- (25) **L.U. 387 & Res 877 -** App. C **190161 ZMK (1921 Atlantic Avenue)** Brooklyn, Council District 41, Community District 3.
- (26) **L.U. 388 & Res 878 -** App. N **190162 ZRK (1921 Atlantic Avenue)** Brooklyn, Council District 41, Community District 3.

- (27) **L.U. 389 & Res 879 -** App. C **190163 HUK (1921 Atlantic Avenue)** Brooklyn, Council District 41, Community District 3.
- (28) **L.U. 390 & Res 888 -** App. N **190180(A) ZRM (270 Park Avenue)** Manhattan, Council District 4, Community District 5.
- (29) **L.U. 391 & Res 880 -** App. C **160175 ZMK (1050 Pacific Street Rezoning)** Brooklyn, Council District 35, Community District 8.
- (30) **L.U. 392 & Res 881 -** App. C **160176 ZRK (1050 Pacific Street Rezoning)** Brooklyn, Council District 35, Community District 8.
- (31) **L.U. 393 & Res 882 -** App. C **180042 ZMK (1010 Pacific Street Rezoning)** Brooklyn, Council District 35, Community District 8.
- (32) **L.U. 394 & Res 883 -** App. N **180043 ZRK (1010 Pacific Street Rezoning)** Brooklyn, Council District 35, Community District 8.
- (33) **L.U. 405 & Res 871 -** Putnam Gardens, Block 3271, Lot 125; Bronx, Community District No. 18, Council District No. 11.
- (34) **L.U. 406 & Res 872 -** Apex Place Phase I, Block 2159, Lot 80; Queens, Community District No. 6, Council District No. 29.
- (35) **L.U. 407 & Res 873 -** Apex Place Phase II, Block 2159, Lots 20 and 50; Queens, Community District No. 6, Council District No. 29.
- (36) **L.U. 408 & Res 874 -** Soundview Homeownership-Phase III, Block 3515, Lot 20; Bronx, Community District No. 9, Council District No. 18.
- (37) **L.U. 409 & Res 875 -** 2997 Marion Avenue, Block 3281, Lot 23; Bronx, Community District No. 7, Council District No. 11.
- (38) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Preconsidered M-162 & Res. No. 885:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. Nos. 59-A, 975-A, 1258-A, 1277-A, 1278-A, and 1280-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 551-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. Nos. 1247-A and 1257-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Yeger – **1**.

The following was the vote recorded for **L.U. 379 & Res. No. 886** and **L.U. No. 380 & Res. No. 887:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Barron and King – **2**.

The following was the vote recorded for **L.U. 391 & Res. No. 880; L.U. No. 392 & Res. No. 881; L.U. No. 393 & Res. No. 882; and L.U. No. 394 & Res. No. 883:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval:

Int. Nos. 59-A, 551-A, 562-A, 975-A, 977-A, 1107-A, 1171-A, 1241-A, 1242-A, 1247-A, 1257-A, 1258-A, 1274-A, 1275-A, 1277-A, 1278-A, 1279-A, 1280-A, and 1533-A.

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 item Res No 828-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution commending the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court and calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

The Committee on Immigration, to which the annexed resolution was referred on April 9, 2019 (Minutes, page 1370), respectfully

REPORTS:

I. INTRODUCTION

On May 7, 2019, the Committee on Immigration, chaired by Council Member Carlos Menchaca, held a second hearing and vote on Proposed Res. 828-A-2019, sponsored by Council Members Menchaca and Lancman, in relation to the New York State Protect Our Courts Act. The Committee approved the Resolution.

II. BACKGROUND

ICE’s Increased Enforcement in Courts

Immediately after the presidential inauguration on January 20, 2017, the Trump administration laid out its mass deportation agenda in an Executive Order, “Enhancing Public Safety in the Interior of the United States.”¹ This agenda included targeting sanctuary cities, increasing community arrests and raids, and following immigrants at their state-level court appearances in criminal court and civil courts, such as family court, and specialized courts, such as Human Trafficking Court.²

Whereas under the Obama Administration, reports of state-level courthouse arrests were infrequent,³ U.S. Immigration and Customs Enforcement’s (‘ICE’) use of this tactic under the Trump Administration escalated quickly. The Immigrant Defense Project (‘IDP’), which has been monitoring ICE courthouse raids since 2013, first reported a sharp increase in courthouse raids in 2017.⁴ Between 2017 and 2018, IDP documented reports of

¹ *Executive Order: Enhancing Public Safety in the Interior of the United States*, Jan. 25, 2017, <https://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states/>.

² Migration Policy Institute, *Revving Up the Deportation Machinery: Enforcement and Pushback under Trump* (2018) at 2-3, <https://www.migrationpolicy.org/research/revving-deportation-machinery-under-trump-and-pushback> (hereinafter *Revving Up*). See also Immigrant Defense Project, *The Courthouse Trap: How ICE Operations Impacted New York’s Courts in 2018* (Jan. 2019), <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.

³ In New York, for example, the Immigrant Defense Project (IDP) received 11 reports total in all of 2016, but received 146 reports in 2017.

⁴ Immigrant Defense Project, *The Courthouse Trap: How ICE Operations Impacted New York’s Courts in 2018* (Jan. 2019), <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.

arrests that came in from New York, Massachusetts, Washington, Oregon, New Jersey, Colorado, New Mexico, Pennsylvania, Maryland, Illinois, Texas, and Ohio from public defenders, legal services providers, anti-violence advocates, immigration lawyers, and family and community members. IDP reported that ICE operations in and around New York courts continued to increase, reaching an unprecedented level.⁵ Since 2016, ICE operations in and around New York courthouses have increased by 1736%,⁶ with a comparative marginal increase between 2017 and 2018 by 17%.⁷ Between 2016 and 2018, New York City continued to account for about 75% of arrests statewide, with Queens and Brooklyn reporting the largest numbers.⁸ IDP reported that in 2018 there were 178 courthouse arrests in New York State, with 24 additional ICE sightings.⁹ IDP also reported an expansion of ICE tactics using courthouses to surveil potentially removable immigrants, and increased interactions with their families and loved ones who have come to court in support.¹⁰

Impact of ICE Presence in Courthouses

ICE targeting state courthouses for immigration enforcement has tangible impact on local communities and interferes with the City's ability to seek justice for its criminal defendant residents in their ongoing, non-immigration related cases. In the recent report "Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State" released by the New York ICE Out of Courts Coalition, stakeholders describe the broad impacts of ICE presence in state courthouses:

- ICE operations impede the prosecution of cases, as victims or witnesses to crime are either apprehended by ICE before the termination of a case, or fear engaging with the court system and retract their statements regarding open cases;¹¹
- ICE operations have led victims of crime to report crimes to local law enforcement officers using fake names and addresses, which are impossible to follow-up on, when a case moves forward;¹²
- ICE operations have led to a significant decline in community participation in Criminal Justice programming: such as Immigrant Affairs Unit Hotline at District Attorney offices,¹³ District Attorney Clean Slate program participation,¹⁴ visits to New York City's Family Justice Centers;¹⁵
- ICE operations at problem-solving and civil courts throughout New York City has led to decreased willingness to participate all aspects of our state and local justice system;¹⁶
- ICE operations have led to rising fear of attending court and increasing issuance of bench warrants, often contrary to the legal interests of clients: "clients are more likely to take unfavorable pleas to avoid returning to court;"¹⁷
- ICE operations have led to a rise in "disappearing litigants" whether because litigants are apprehended by ICE as they are appearing for court dates or because ICE fails to produce individuals in their custody for ongoing court cases as ICE considers itself "no bound by state court orders;"¹⁸

⁵ *Id.*

⁶ ICE Out of Courts Coalition, *Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State* (April 2019) (on file with the Committee on Immigration staff).

⁷ Immigrant Defense Project, *The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018* (Jan. 2019), <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ ICE Out of Courts Coalition, *supra* note 6, at 8.

¹² *Id.* at 11.

¹³ *Id.* at 13.

¹⁴ *Id.* at 17.

¹⁵ *Id.* at 23.

¹⁶ *Id.* at 50-59.

¹⁷ *Id.* at 38, 40.

¹⁸ *Id.* at 42-43.

As ICE presence has increased nationally, interactions with local law enforcement has decreased or become strained. A coalition of advocates and legal service providers documented a high concern about contacting law enforcement among immigrant survivors of intimate partner violence in 2017.¹⁹ Simultaneously, advocates report that orders of protection issued against intimate partners or family members have decreased from 235,282 in 2016 and 232,803 in 2017 while abusers are increasingly threatening to call ICE on their partners and family members.²⁰ The same survey found that 43% of providers had clients who had dropped a civil or criminal case due to fear of ICE arrests in courts.²¹ In Los Angeles, the city police chief indicates that sexual assault reports from the Latino community have dropped by a quarter in 2017, compared to the same period in 2016, and reports of domestic violence have decreased by almost 10%.²² In 2017, IDP released results from a survey of immigrant New Yorkers, expressing distinct fears of going to court because of ICE, including: “I have a disabled child and I fear going to court for custody,” “I won’t be safe if I need to go to court for any reason. I will not feel safe reaching out to any agencies in case I need help,” “They could send me to immigration even if my case is pending,” and “I should be able to go to court without having to be scared of getting arrested or deported.”²³

ICE Policies and Implementation

On ICE’s Frequently Asked Questions (FAQ) page on Sensitive Locations and Courthouse Arrests,²⁴ ICE states that it has implemented a policy whereby enforcement actions are not to occur at or be focused on sensitive locations such as schools and places of worship.²⁵ This policy is intended, according to ICE, “to enhance public understanding and trust, and to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so, without fear or hesitation.”²⁶ ICE further states on its FAQ page that it does not view courthouses as a sensitive location.²⁷ The rationale given for pursuing enforcement actions inside courthouses is that “the increasing unwillingness of some jurisdictions to cooperate with ICE in the safe and orderly transfer of targeted aliens inside their prisons and jails has necessitated additional at-large arrests.”²⁸ In response to why courthouse arrests seem to be occurring more frequently, ICE repeats that it is because “some law enforcement agencies no longer honor ICE detainees or limit ICE’s access to their detention facilities.”²⁹ ICE has clearly ramped up enforcement actions in state courthouses as a direct response to local law enforcement agencies limiting their cooperation with ICE’s enforcement of federal immigration law, targeting sanctuary cities for intrusion in courthouse proceedings.

In January 2018, ICE issued a memo stating that it would limit its civil immigration enforcement actions inside courthouses to only certain people, such as gang members, those with criminal convictions, or people who pose national security threats.³⁰ The memo stated that ICE officers would not go after family members or friends of arrest targets unless they pose a threat to public safety or intervene in the ICE arrest.³¹ Additionally, the memo

¹⁹ Tahirih Justice Center, 2017 Advocate and Legal Service Survey Regarding Immigrant Survivors, <http://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>.

²⁰ ICE Out of Courts Coalition, *supra* note 6, at 22, 34.

²¹ Tahirih Justice Center, *supra* note 19.

²² The Guardian, Fearing deportation, undocumented immigrants wary of reporting crimes, March 23, 2017, <https://www.theguardian.com/us-news/2017/mar/23/undocumented-immigrants-wary-report-crimes-deportation>; <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>.

²³ Immigrant Defense Project. (2017) *ICE Out of Courts Campaign Toolkit*, accessed at <https://www.immigrantdefenseproject.org/wp-content/uploads/IDPCourthouseToolkit.pdf>.

²⁴ U.S. Immigration and Customs Enforcement, *FAQ on Sensitive Locations and Courthouse Arrests*, <https://www.ice.gov/ero/enforcement/sensitive-loc>.

²⁵ *Id.* There are some exceptions to this policy, such as the existence of exigent circumstances.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ U.S. Immigration and Customs Enforcement, *Directive Number 11072.1: Civil Immigration Enforcement Actions Inside Courthouses*, Jan. 10, 2018, <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

³¹ *Id.*

stated that officers “should exercise sound judgment when enforcing federal law and make substantial efforts to avoid unnecessarily alarming the public.”³² However, reports of courthouse arrests and the resulting chilling effect of ICE’s presence in the courts show that this is not the case.

For example, crime victims and witnesses, while not named in the directive, have been arrested in ICE operations.³³ In February 2017, ICE arrested a transgender woman inside an El Paso courthouse while she was awaiting a hearing about her request for a protective order against an abusive ex-boyfriend.³⁴ In June 2017, three plainclothes ICE officers, identified by legal service providers at the Queens Human Trafficking Court, targeted defendants who were attending adjournment hearings. Thankfully, the Trafficking Court Judge, Toko Serita, communicated to one of the defense attorneys and they were able to defer releasing the defendant while ICE was present.³⁵ ICE did not detain any defendants from the Queens Human Trafficking Court in that instance, but they did detain three seemingly unrelated individuals outside the Queens criminal courthouse that same day.³⁶ These are just a few instances, exemplifying a problematic interference of federal law enforcement in state courthouses.

Public Outcry

Beginning in early 2017 and continuing to this day, court officials, elected officials, and advocates across the country have been criticizing courthouse arrests for deterring victims and witnesses from coming forward. For example, in March 2017, Justice Cantil-Sakauye of the Supreme Court of California wrote a letter to then-Attorney General Jeff Sessions and DHS Secretary John F. Kelly requesting that ICE agents stop arresting immigrants at courthouses, explaining that courthouses are a vital forum for ensuring access to justice and protecting public safety, and that they should not be used as bait in the enforcement of immigration laws.³⁷ In April 2017, the Mayor of Denver, Presiding Judge of the Denver County Court, City Attorney, District Attorney, and various Denver City Council members wrote a letter to ICE, urging ICE to make courthouses a “sensitive location.” Chief Justices of the Oregon Supreme Court, New Jersey Supreme Court, Connecticut Supreme Court, and Rhode Island Supreme Court, and many others also followed with letters and public statements about how ICE’s presence in courthouses creates heightened fear in immigrant communities, and negatively impacts the justice system by discouraging victims from reporting crimes, witnesses from coming forward, and individuals from appearing in court.³⁸ The letters make clear that by effectively denying immigrants access to justice, judges, attorneys, and officials fear that ICE’s presence in courthouses is eroding the public’s confidence in the justice system, and impeding due process for these individuals and communities.

In June 2017, the New York City Council’s Committee on Immigration and the former Courts and Legal Services Committee held a joint hearing on the increased ICE enforcement at New York City Courthouses. The committees received testimony from New York City-based legal and social service providers who first noticed the rise in ICE activity in and around City courthouses.³⁹

In December 2018, a group of dozens of former state and federal judges asked ICE to add courthouses to the list of “sensitive locations” where ICE officers generally do not go.⁴⁰ The judges cited reports of a marked

³² *Id.*

³³ *Revvig Up*, *supra* note 2, at 40-41.

³⁴ *Id.*

³⁵ Fertig, B. (2017). When ICE Shows Up in Human Trafficking Court. *WNYC*. Accessed at [https://www.wnyc.org/story/when-ice-shows-court/](https://www.wnyc.org/story/when-ice-shows-court/#https://www.wnyc.org/story/when-ice-shows-court/).

³⁶ *Id.*

³⁷ Chief Justice Tani G. Cantil-Sakauye, Supreme Court of California, March 16, 2017, http://newsroom.courts.ca.gov/internal_redirect/cms.ipressroom.com.s3.amazonaws.com/262/files/20172/Chief%20Justice%20Cantil-Sakauye%20Letter_AG%20Sessions-Secretary%20Kelly_3-16-17.pdf.

³⁸ National Center for State Courts, *Improving Relationships with ICE*, <https://www.ncsc.org/Topics/Courthouse-Facilities/Improving-Relationships-with-ICE/ICE.aspx>.

³⁹ Hearing testimony, transcript and video recording from June 29, 2017 available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=555135&GUID=9906F243-956F-4D89-9BD7-FF83A62DC77B&Options=info&Search=>

⁴⁰ Letter from Former Judges regarding Courthouse Immigration Arrests, <https://www.scribd.com/document/395488473/Letter-From-Former-Judges-Courthouse-Immigration-Arrests>.

increase in ICE activity in courts over the past two years, stating, “Judges simply cannot do their jobs—and our justice system cannot function effectively—if victims, defendants, witnesses, and family members do not feel secure in accessing the courthouse.”⁴¹ ICE arrests had been documented in dozens of states, the judges wrote, affecting survivors of domestic violence, victims of human trafficking, and parents seeking to protect their children from unsafe living conditions.⁴²

This issue of federal immigration officials arresting individuals in or around criminal courts has also united both sides of the criminal legal system, with both prosecutors and public defenders criticizing what they perceive as damaging interference with the system’s functioning.⁴³ In February 2019, the New York City district attorneys from Brooklyn, Manhattan, and the Bronx protested the practice of ICE officers making arrests inside New York City courthouses.⁴⁴

The New York State Office of Court Administration

The New York State Office of Court Administration (“OCA”) is the administrative arm of the New York State Unified Court System (“UCS”), and falls under the direction of the Chief Judge of the State of New York, the Hon. Janet DiFiore.⁴⁵ The Chief Judge serves as both Chief Judicial Officer of the State, and the Chief Judge of the Court of Appeals.⁴⁶ The Chief Judge establishes statewide standards and administrative policies, after consulting with the Administrative Board of the Courts and receiving approval by the Court of Appeals.⁴⁷ Executive officers of the OCA are responsible for the day-to-day operations of courts, including trial-level and specialty courts, and work with Administrative Judges in New York’s courts to allocate resources and meet their needs and goals.⁴⁸

Before April 17, 2019, OCA’s policy was “to permit law enforcement agencies to act in the pursuit of their official legal duties in New York State courthouses, provided that the conduct in no way disrupts or delays court operations, or compromises public safety or court decorum.”⁴⁹ In furtherance of this policy, OCA protocols required representatives of law enforcement agencies who enter a New York State Courthouse to take a person into custody, without a warrant,⁵⁰ to identify themselves to court personnel and disclose any enforcement actions they may take inside the courthouse.⁵¹ Court personnel were required to immediately pass this information to their supervisor, who informed the judge that such representatives were in the courthouse and intended to arrest a participant in a case before the judge.⁵² Every arrest made in the courthouse under these circumstances was to be documented and reported by court personnel.⁵³

While the OCA stated that it does not help facilitate ICE arrests at courthouses, uniformed court officers have participated in several ICE operations by assisting in arrests, providing information to ICE agents about individuals, and allowing ICE to make arrests in private areas of the courthouse.⁵⁴ For example, a bystander

⁴¹ *Id.*

⁴² NPR, *Judges Ask ICE to Make Courts Off Limits To Immigration Arrests*, Dec. 13, 2018,

<https://www.npr.org/2018/12/13/676344978/judges-ask-ice-to-make-courts-off-limits-to-immigration-arrests>.

⁴³ Documented, *Documents Show New York Court Officers Alerted ICE About Immigrants in Court*, Jan. 26, 2019,

<https://documentedny.com/2019/01/26/documents-show-new-york-court-officers-alerted-ice-about-immigrants-in-court/>.

⁴⁴ Documented, *Early Arrival: District Attorneys Rally to Keep ICE Out of NY Courts*, Feb. 4, 2019,

<https://documentedny.com/2019/02/04/early-arrival-district-attorneys-rally-to-keep-ice-out-of-ny-courts/>.

⁴⁵ NYCourts.gov, *Office of Court Administration*, <https://www.nycourts.gov/Admin/oca.shtml>.

⁴⁶ NYCourts.gov, *Executive Officers*, <http://ww2.nycourts.gov/admin/execofficers.shtml#Prudenti>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ OCA Memorandum, *Policy and Protocol Governing Activities in Courthouses by Law Enforcement Agencies*, April 26, 2017 and

OCA Memorandum, *Protocol Governing Activities in Courthouses by Law Enforcement Agencies*, April 3, 2019 (see appendix).

⁵⁰ Issued by a Unified Court System judge, authorizing them to take such person into custody.

⁵¹ OCA Memorandum, *Policy and Protocol Governing Activities in Courthouses by Law Enforcement Agencies*,

April 26, 2017 (see appendix).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Immigrant Defense Project, *The Courthouse Trap: How ICE Operations Impacted New York’s Courts in 2018* (Jan. 2019),

<https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.

outside of the Queen Criminal Court captured on camera several plainclothes ICE agents working with at least three uniformed court officers to arrest a father who was on his way into the courthouse.⁵⁵ In another account, ICE agents were spotted arresting a man as he left Manhattan Criminal Court after uniformed court officer notified them of his court appearance date.⁵⁶ OCA had also produced documents filed by court officers after arrests by ICE agents, in response to a Freedom of Information Law (FOIL) request, cataloguing 66 arrests by ICE agents in New York State courthouses between February 2017 and August 2018, with uniformed court officers or clerks assisting ICE agents in making six of those arrests.⁵⁷

On April 17, 2019, OCA issued new court rule requiring judicial warrants for ICE arrests in courthouses⁵⁸ after the release of an 80-page report by more than 100 organizations documenting how ICE courthouse arrests impact the criminal justice system.⁵⁹ OCA stated that the agency felt it “would be an appropriate change in policy” as their “goal has been, is and continues to be the safe and efficient operation of the State’s court system.”⁶⁰ As such, New York became the first state to bar ICE from making arrests in courts without a judicial warrant.⁶¹ The new rule states that “absent leave of the court under extraordinary circumstances (e.g., extradition orders), no law enforcement action may be taken by a law enforcement agency in a courtroom,” and “arrests by agents of U.S. Immigration and Customs Enforcement may be executed inside a New York State courthouse only pursuant to a judicial warrant or judicial order authorizing the arrest.”⁶² Though the new rule restricts arrests inside courthouses, the Protect Our Courts Act (A.2176 / S.425), discussed below, would further restrict arrests of individuals entering and exiting State courthouses, bar courthouse entry to ICE without a judicial warrant, and grant a civil right of action to sue civil law enforcement for a courthouse arrest without a judicial warrant.

Protect Our Courts Act

In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding.”⁶³ Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith.” The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption. The bill further amends New York State Judiciary Law to allow courts to issue orders to protect the prohibition of civil arrests of any person in a court proceeding. It would further require that non-local law enforcement officials identify themselves and their purpose when entering a courthouse.

⁵⁵ *Id.*

⁵⁶ Documented, *Documents Show New York Court Officers Alerted ICE About Immigrants in Court*, Jan. 26, 2019, <https://documentedny.com/2019/01/26/documents-show-new-york-court-officers-alerted-ice-about-immigrants-in-court/>.

⁵⁷ *Id.*

⁵⁸ OCA Memorandum, *Policy and Protocol Governing Activities in Courthouses by Law Enforcement Agencies*, April 17, 2019 (see appendix).

⁵⁹ The report by the ICE Out of Courts Coalition, *Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State* (April 2019) is on file with the Committee on Immigration staff.

⁶⁰ Times Union, *New York first state to bar ICE arrests in courts without judicial warrant*, Apr. 18, 2019, <https://www.timesunion.com/news/article/New-York-first-state-to-bar-ICE-from-making-13776007.php>. The report by the ICE Out of Courts Coalition, *Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State* (April 2019) is on file with the Committee on Immigration staff.

⁶¹ *Id.*

⁶² OCA Memorandum, *Policy and Protocol Governing Activities in Courthouses by Law Enforcement Agencies*, April 17, 2019 (see appendix).

⁶³ <https://www.nysenate.gov/legislation/bills/2019/s425>

III. Legislative Analysis

Proposed Res. No. 828-A-2019 (Menchaca, Lancman), in relation to the New York State Protect our Courts Act, commends the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court, and calls on the New York State legislature to pass, and the Governor to sign, A.2176/S.425 which would exempt individuals from civil arrest while in New York Court houses.⁶⁴ Without this legislation, non-local law enforcement agents will continue to interfere with New York Courts, impinging on New Yorkers access to due process and public safety, making witnesses to crime and victims of crime less likely to engage in the court system.

IV. Conclusion

On April 10, 2019, the Committee on Immigration heard testimony from the Mayor's Office of Immigrant Affairs and advocates on the issue of increased ICE enforcement in New York City courts. The hearing explored how the escalation of ICE enforcement at courthouses nationally breaks the hard earned-trust between immigrant communities and local law enforcement and courts. Without this trust, immigrant defendants may forego their right to a fair and impartial hearing, crime victims may chose not to report crimes or withdraw complaints, and witnesses may decline to assist in the investigation or prosecution of a crime—all out of fear that their mere presence in the courthouse puts them at increased risk of being arrested by ICE and deported. The significant increase in ICE's disruptive enforcement in New York City courts since 2017 highlights the need for New York State legislation to minimize ICE presence in courts, to protect the sanctity of our justice system, and maintain the immigrant community's trust in the judiciary.

⁶⁴ *Id.*



MEMORANDUM

TO: All Chiefs and Majors

FROM: Chief Michael Magliano *mm*

DATE: April 26, 2017

**Office of the Chief Administrative Judge
New York State Unified Court System**

**Policy and Protocol Governing
Activities in Courthouses by Law Enforcement Agencies**

It continues to be the policy of the Unified Court System to permit law enforcement agencies to act in the pursuit of their official legal duties in New York State courthouses, provided that the conduct in no way disrupts or delays court operations, or compromises public safety or court decorum.

The following protocol shall apply to representatives of law enforcement agencies who enter a New York State courthouse to take a person into custody but do not have a warrant issued by a judge of the Unified Court System authorizing them to do so:

- Upon entry to a courthouse, law enforcement officials covered by this protocol shall identify themselves to UCS uniformed personnel, and state their specific law enforcement purpose and the proposed enforcement action to be taken. The UCS officer shall immediately transmit this information to an appropriate supervisor.
- The supervisor shall inform the judge if a law enforcement agent covered by this protocol is present in the courthouse with the intent of arresting or otherwise taking into custody a party or other participant in a case before the judge.
- Absent leave of the court under extraordinary circumstances (e.g., extradition orders), no law enforcement action may be taken by a law enforcement agency in a courtroom.
- UCS uniformed personnel shall file an Unusual Occurrence Report for each law enforcement action taken in a New York State courthouse by a law enforcement agency covered by this protocol.
- UCS uniformed personnel remain responsible for ensuring public safety and decorum in the courthouse at all times.

This policy and protocol is subject to modification based on changed circumstances.




State of New York
Unified Court System
Department of Public Safety

DIRECTIVE

| | |
|--|--|
| To: All Uniformed Personnel | Number: 1-2019 (Rev. from Memo issued 04/26/2017) |
| Subject: Protocol Governing Activities in Courthouses by Law Enforcement Agencies | Effective Date: April 3, 2019 |

1. It continues to be the policy of the Unified Court System (UCS) to permit law enforcement agencies to act in the pursuit of their official legal duties in New York State courthouses, provided that the conduct in no way disrupts or delays court operations or compromises public safety or court decorum.
2. The following protocol shall apply to representatives of law enforcement agencies who, while acting in their official capacity, enter a New York State courthouse to observe an individual or to take an individual into custody but do not have a warrant issued by a judge of the Unified Court System authorizing them to do so:
 - Upon entry to a courthouse, law enforcement officials covered by this protocol shall identify themselves to UCS uniformed personnel and state their specific law enforcement purpose and the proposed enforcement action to be taken. Uniformed UCS personnel shall immediately transmit this information to an appropriate supervisor.
 - The uniformed supervisor shall inform the judge if a law enforcement agent covered by this protocol is present in the courthouse with the intent of arresting or otherwise taking into custody a party or other participant in a case before the judge.
 - Absent leave of the court under extraordinary circumstances (e.g., extradition orders), no law enforcement action may be taken by a law enforcement agency in a courtroom.
 - UCS court security personnel shall file an Unusual Occurrence Report for each law enforcement action taken in a New York State courthouse by a law enforcement agency covered by this protocol. **For purposes of this protocol, "law enforcement action" shall include observation of court proceedings by law enforcement agents acting in their official capacity.**
 - UCS court security personnel remain responsible for ensuring public safety and decorum in the courthouse at all times. This policy and protocol is subject to modification based on changed circumstances.





State of New York
Unified Court System
Office of the Chief Administrative Judge

DIRECTIVE

| | |
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| To: All Uniformed Personnel | Number: 1-2019 (Rev. from Memo issued 04/03/2019) |
| Subject: Protocol Governing Activities in Courthouses by Law Enforcement Agencies | Effective Date: April 17, 2019 |

1. It continues to be the policy of the Unified Court System (UCS) to permit law enforcement agencies to act in the pursuit of their official legal duties in New York State courthouses, provided that the conduct in no way disrupts or delays court operations or compromises public safety or court decorum.
2. The following protocol shall apply to representatives of law enforcement agencies who, while acting in their official capacity, enter a New York State courthouse to observe an individual or take an individual into custody but do not have a warrant issued by a judge of the Unified Court System authorizing them to do so:
 - Upon entry to a courthouse, law enforcement officials covered by this protocol shall identify themselves to uniformed UCS uniformed personnel and state their specific law enforcement purpose and the proposed enforcement action to be taken. Uniformed UCS personnel shall immediately transmit this information to an appropriate supervisor.
 - The uniformed supervisor shall inform the judge if a law enforcement agent covered by this protocol is present in the courthouse with the intent of arresting or otherwise taking into custody a party or other participant in a case before the judge. Email notification to the Department of Public Safety should be made as soon as possible.
 - Arrests by agents of U.S. Immigration and Customs Enforcement may be executed inside a New York State courthouse only pursuant to a judicial warrant or judicial order authorizing the arrest. A "judicial warrant" or "judicial order" is a warrant or order issued by a federal judge or federal magistrate judge. A UCS judge or court attorney shall review the warrant or order to confirm compliance with this requirement prior to any such arrest.
 - Absent leave of the court under extraordinary circumstances (e.g., extradition orders), no law enforcement action may be taken by a law enforcement agency in a courtroom.
 - UCS court security personnel shall file an Unusual Occurrence Report for each law enforcement action taken in a New York State courthouse by a law enforcement agency covered by this protocol. For purposes of this protocol, "law enforcement action" shall include observation of court proceedings by law enforcement agents acting in their official capacity.
 - UCS court security personnel remain responsible for ensuring public safety and decorum in the courthouse at all times. This policy and protocol is subject to modification based on changed circumstances.


Michael Magliano, Chief of Department

Revised 04/17/2019

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 828-A:)

Res. No. 828-A

Resolution commending the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court and calling on the State Legislature to pass, and the Governor to sign, the “Protect Our Courts Act” (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

By Council Members Menchaca, Lancman, Kallos and Rosenthal.

Whereas, Under the Trump administration, U.S. Immigration and Customs Enforcement (ICE) arrests of immigrants have increased overall, and targeting tactics that were rare under the Obama administration have become commonplace; and

Whereas, The Immigrant Defense Project (IDP) reports that since 2016, ICE operations in and around New York courthouses rose 1700%; and

Whereas, IDP reports that New York City accounts for 75% of ICE courthouse interactions between 2016 and 2018, with Queens and Brooklyn reporting the largest numbers of courthouse arrests and sightings; and

Whereas, In April 2017, the New York State Office of Court Administration (OCA) issued an updated protocol related to law enforcement agency activities in courthouses; and

Whereas, OCA’s policy requires law enforcement officials to: identify themselves, inform the judge if a participant in a case before them is a target, and clarifies that OCA personnel remain responsible for “ensuring public safety and decorum in the courthouse at all times;” and

Whereas, In January 2018, ICE released its first policy on enforcement actions in courthouses; and

Whereas, After this release, IDP reports that ICE agents expanded the reach of courthouse arrests, continuing to target friends and family members accompanying individuals to court; and

Whereas, In 2019, the media publication ‘Documented’ obtained documents through Freedom of Information Law request detailing six instances between February 2017 and August 2018 in which OCA officers or clerks assisted ICE agents in making arrests; and

Whereas, When ICE arrests a defendant during an unrelated court proceeding, ICE is under no obligation to produce them for such court appearance; and

Whereas, The fear of deportation acts as a deterrent for victims of crime, witnesses to crime, and defendants, to engage in the criminal court system; and

Whereas, In January 2019, New York State Senator Hoylman and New York State Assembly Member Solages introduced the “Protect our Courts Act” (A.2176/S.425), which would exempt individuals from civil arrest while “going to, remaining at, or returning from the place of such court proceeding;” and

Whereas, Absent a signed judicial warrant or judicial order authorizing a civil arrest, A.2176/S.425 would prohibit the civil arrest of any person attending a court proceeding “duly and in good faith;” and

Whereas, The legislation would designate the willful violation of the exemption as contempt of the court and false imprisonment, and would grant individuals the ability to bring a civil action for appropriate equitable and declaratory relief in instances of violation of the exemption; and

Whereas, On April 17, 2019, OCA issued a new rule for all uniformed personnel that requires a judicial warrant for any civil arrest to occur in a New York State court; and

Whereas, The new rule is unprecedented in the nation and a positive step forward in the fight to protect the sanctity of non-federal courts from immigration enforcement; and

Whereas, Though the new rule restricts arrests inside courthouses, the Protect Our Courts Act (A.2176 / S.425) would extend even further by restricting arrests of individuals entering and exiting State courthouses, bar

courthouse entry to ICE without a judicial warrant, and grant a civil right of action to sue civil law enforcement for a courthouse arrest without a judicial warrant; and

Whereas, The unchecked interference of federal law enforcement, specifically ICE, in the state court system endangers New Yorkers' access to due process and public safety, generally, by making witnesses to crime and victims of crime less likely to engage in the court system; and

Whereas, Federal interference additionally removes criminal defendants from our jurisdiction, making it impossible to seek justice in their ongoing, non-immigration related cases; now, therefore, be it

Resolved, That the Council of the City of New York commends the New York State Office of Court Administration for promulgating rules that require a judicial warrant for any civil arrest in a New York State court and calls on the State Legislature to pass, and the Governor to sign, the "Protect Our Courts Act" (A.2176 / S.425), in order to further protect certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding.

CARLOS MENCHACA, *Chairperson*; DANIEL DROMM, FRANCISCO P. MOYA; Committee on Immigration, May 7, 2019.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intention to vote negative against this item:
Council Members Borelli, Deutsch, Diaz, Holden, and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to abstain from voting on this item:
Council Member Yeger.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1541

By The Speaker (Council Member Johnson) and Council Members Treyger, Cornegy, Borelli and Powers.

A Local Law in relation to creating a specialized high school taskforce

Be it enacted by the Council as follows:

Section 1. Specialized high school taskforce. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York. Department. The term “department” means the New York city department of education.

Specialized high schools. The term “specialized high schools” has the same meaning as such term is defined in paragraph b of subdivision 1 of section 2590-h of the education law.

b. There shall be a taskforce to issue recommendations for improving the admission standards for the specialized high schools. The taskforce shall consist of at least 17 members as follows:

1. The mayor, or the mayor’s designee;
2. The speaker of the council, or the speaker’s designee;
3. The chancellor, or the chancellor’s designee;

4. Ten members appointed by the mayor, including one member who shall be a student, one member who shall be a parent of a child attending a public school within the city school district, four members who shall be departmental employees, one member who shall be an expert in the scientific field of study that examines education and learning processes and the human attributes, interactions, organizations, and institutions that shape educational outcomes, one member who shall be a psychologist with an expertise in psychological test use, one member who shall be an expert in assessment, evaluation, testing and other aspects of educational measurement, and one member who shall be a teacher currently employed by the department; and

5. Four members appointed by the speaker of the council, including one member who shall be a parent of a child attending a public school within the city school district, one member who shall be an expert in the scientific field of study that examines education and learning processes and the human attributes, interactions, organizations, and institutions that shape educational outcomes, one member who shall be a psychologist with an expertise in psychological test use, and one member who shall be an expert in assessment, evaluation, testing and other aspects of educational measurement.

c. All members shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

d. Membership on the taskforce shall not constitute holding of a public office, and members of the taskforce shall not be required to take or file oaths of office before serving on the taskforce. Each member of the taskforce shall serve without compensation.

e. The taskforce shall be required to meet no less than monthly. The taskforce shall also be required to hold at least one public hearing every quarter to solicit public comment and recommendations on the admissions process for the specialized high schools.

f. The taskforce shall examine alternative admissions criteria for the specialized high schools to increase diversity. Such alternative admissions criteria shall include but not be limited to eliminating the specialized high school admissions test, the department discovery program, the department dream program, state standardized examinations, grade point average and other measures.

g. The taskforce shall submit a report of its findings and recommendations to the mayor and the speaker of the council no later than September 1, 2020. The report shall also be posted to the department’s website. The taskforce shall dissolve upon submission of the report required by this local law.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the report required by section one of this local law.

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

Res. No. 861

Resolution calling on the New York State Division of Criminal Justice Services to update its mandatory training curriculum to include specific training for security guards when interacting with people suffering from mental illness or substance abuse.

By Council Members Cabrera and Eugene.

Whereas, In order to obtain a license in New York, security guards must undertake mandatory training that is administered by the New York State Division of Criminal Justice Services, Office of Public Safety; and

Whereas, The minimum standards for the training curriculum includes topics such as legal powers, ethics and conduct, and public relations; and

Whereas, However, there are currently no training requirements to guide appropriate interactions with people suffering from mental illness or substance abuse; and

Whereas, People with mental health or substance abuse issues are particularly vulnerable to personal crises that can lead to frequent and dangerous interactions with law enforcement, including security guards; and

Whereas, Such interactions can quickly become violent and even deadly if security or law enforcement officers are not properly trained in how to deal with people suffering from a substance problem or mental health condition; and

Whereas, For example, according to a report by the Treatment Advocacy Center, “the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers”; and

Whereas, Similarly, the Washington Post’s data tracking of police involved shootings since 2017 shows that mental illness played a role in 25% of these incidents; and

Whereas, In response to public outcry over fatal police encounters, de-escalation training is slowly becoming common practice for police officers; and

Whereas, This training, which is mandated in nearly half the states in the Country, includes techniques on safe ways of interacting with people in crises; and

Whereas, The training also seeks to educate officers on the nuances of mental health and substance abuse illnesses, which helps them identify a person in crisis and respond safely; and,

Whereas, While much attention has been given to fatal police encounters, little tracking exists for similar cases involving armed security guards; and,

Whereas, For example, in an investigative report the Chicago Tribune found that, despite more than 40 recorded shootings, the journalists “could not find a single case where the state disciplined a guard for his or her role in a shooting”; and

Whereas, In Chicago, as in New York, training for security guards is limited and does not focus on nonviolent crisis intervention or de-escalation techniques; and

Whereas, Meanwhile, in Washington, D.C, after the deaths of two men in separate incidents who were in the custody of security guards, the Mayor proposed updating the mandatory training for security guards; and

Whereas, The proposal included doubling the number of pre-assignment training hours and expanding the training to include de-escalation practices and safely interacting with people with mental health or substance abuse illness; and,

Whereas, According to ThriveNYC, there are expected to be one in five adult New York City residents who will experience a mental health disorder during any given year; and

Whereas, At the State level, there are estimated to be 12% of residents over the age of 12 who experience a substance abuse disorder each year, according to the Department of Health; and,

Whereas, Meanwhile, according to CityLimits, there are twice as many security guards than there are police officers, and approximately ten times as many security guards as firefighters in New York State; and,

Whereas, According to Law Enforcement Today, “[t]here re over one million contract security guards working in the country and they often work at government facilities such as courthouses, large government buildings and Social Security Administration offices. Often the agencies housed in these facilities provide services that result in frequent contact with the mentally ill”; and

Whereas, This creates an environment where interactions between those with a mental health or substance abuse issue are likely to come into contact with security personnel; and

Whereas, Therefore, it is extremely important for those officers to be trained on how to safely diffuse situations and mediate the situations that are at risk of escalating due to a person’s underlying illness; now, therefore, be it

Resolved, That the New York State Division of Criminal Justice Services update its mandatory training curriculum to include specific training for security guards when interacting with people suffering from mental illness or substance abuse.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 1542

By Council Member Cohen.

A Local Law to amend the New York city building code, in relation to notice requirements for construction near bridges and tunnels

Be it enacted by the Council as follows:

Section 1. Section BC 3301 of the New York city building code is amended by adding a new section 3301.14 to read as follows:

3301.14 Notification requirements to the Metropolitan Transportation Authority, the Port Authority of New York and New Jersey and the New York City Department of Transportation. *Whenever a construction or demolition project requiring a work permit classified in section 28-105.2 as either a new building permit or an alteration permit required to meet new building requirements, as set forth in section 28-101.4.5, is proposed within 100 feet (30 480 mm) of any bridge or tunnel under the jurisdiction of the Metropolitan Transportation Authority, the Port Authority of New York and New Jersey or the New York City Department of Transportation, the contractor or applicant for construction shall notify such authority having jurisdiction. Such contractor or applicant shall notify the department that such notice has been made to the authority having jurisdiction prior to commencement of any such permitted activity. The issuance of any permit or approval by the department shall not relieve the applicant of the obligation to comply with any approval or permitting requirements of the Metropolitan Transportation Authority, the Port Authority of New York and New Jersey or the New York City Department of Transportation.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1543

By Council Members Dromm and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to notice for the installation of bioswales or rain gardens

Be it enacted by the Council as follows:

Section 1. Section 24-526.1 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. No later than 30 days prior to the installation of any bioretention system on any sidewalk, the department shall provide electronic notice to the council member in whose district such installation shall occur.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Environmental Protection.

Res. No. 862

Resolution calling on the State of New York to pass, and the Governor to sign, A.04372, to direct the consumer protection division to conduct a study on limited service pregnancy center entities.

By Council Members Gibson and Chin.

Whereas, Limited service pregnancy centers, otherwise known as crisis pregnancy centers or pregnancy service centers, are facilities that are not licensed to provide medical services despite their efforts to appear as a proper sexual health clinic; and

Whereas, Pregnancy service centers are further defined in New York City's Administrative Code as "...a facility, including a mobile facility, the primary purpose of which is to provide services to women who are or may be pregnant, that either: (1) offers obstetric ultrasounds, obstetric sonograms or prenatal care; or (2) has the appearance of a licensed medical facility"; and

Whereas, According to Planned Parenthood, pregnancy service centers lead individuals to believe they provide abortion services, comprehensive contraception, and referrals for care, meanwhile they are anti-abortion and anti-birth control; and

Whereas, Pregnancy service centers generally do not formally disclose to their clients whether they do or do not provide abortion or referrals for abortion, provide FDA-approved emergency contraception or referrals to organizations or individuals who provide emergency contraception, or provide prenatal care or referrals for prenatal care; and

Whereas, Pregnancy service centers have been known to perform deceptive practices, such as branding or marketing themselves as similar to Planned Parenthood and other licensed health centers; and

Whereas, Pregnancy service centers have provided false and misleading information to those who seek care; and

Whereas, Pregnancy service centers often request clients' personal information, and there have been instances when the center has breached confidentiality by showing up at a person's place of work; and

Whereas, A.04372, sponsored by Assembly Member Deborah Glick, would direct the consumer protection division to conduct a study on these centers; and

Whereas, The study would include examining the funding sources of centers, the number of people who visit such centers, the services they provide, the personal information they obtain, and their practices of disclosing or not disclosing information about their facilities and motives; and

Whereas, Since pregnancy service centers are unlicensed and therefore unregulated by the Health Department, such a study would be of much help to policymakers and the public, and could help direct future actions to protect the public and ensure access to quality care; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State of New York to pass, and the Governor to sign, A.04372, to direct the consumer protection division to conduct a study on limited service pregnancy center entities.

Referred to the Committee on Health.

Res. No. 863

Resolution recognizing May 10, 2019 as the 150th Anniversary of the completion of the Transcontinental Railroad.

By Council Member Holden.

Whereas, Transcontinental Railroad was completed on May 10, 1869 when the Central Pacific Railroad Company and the Union Pacific Railroad Company linked railroad tracks at Promontory Summit, Utah; and

Whereas, One of the earliest proponents for the construction of a transcontinental railroad was New York City businessman Asa Whitney, a native of North Groton, Connecticut, who in 1845 presented a proposal to the United States Congress for a railroad spanning from Lake Michigan to the Pacific; and

Whereas, While Mr. Whitney's initial proposal failed, it set in motion the idea of a transcontinental railroad that would be championed in the 1860's by engineer Theodore Judah who lobbied to secure the passage of the Pacific Railroad Act in the United States House of Representatives on May 6, 1862 and in the United States Senate on June 6, 1862; and

Whereas, On July 1, 1862, President Abraham Lincoln signed into law the Pacific Railroad Act of 1862 which authorized the Central Pacific Railroad Company, co-founded by Charles Crocker born in Troy, New York and the Union Pacific Railroad Company, controlled by Wall Street investor Dr. Thomas Durant, with building a transcontinental railroad that would link the United States from east to west; and

Whereas, To encourage the rapid completion of the railroad link, the Pacific Railroad Act of 1862 approved generous financial subsidies and land grants to the owners of both railroad companies; and

Whereas, Work on the railroad link began in 1863, with the Central Pacific Railroad Company starting to build their tracks in Sacramento moving east, while the Union Pacific Railroad Company started building westward at Council Bluffs, Iowa near the Missouri River where railroad lines were already operating in the eastern part of the country; and

Whereas, For six years the workers of both companies toiled to lay down the rail beds, tracks and other necessary infrastructure as they raced towards meeting somewhere near Salt Lake City, Utah; and

Whereas, The workers of Central Pacific Railroad Company were initially comprised of Irish immigrants from New York City and Boston, but due to recruiting difficulties, eventually evolved into an integrated workforce that included more than 12,000 Chinese laborers who worked under brutal working conditions and were ultimately viewed by the company as conscientious, sober and hard workers; and

Whereas, On May 10, 1869 the two companies linked their rail lines with a final "Golden Spike" at a rail bed in Promontory Summit, Utah marking the completion of the nation's first transcontinental railroad; and

Whereas, The completion of the nearly 2,000 mile Transcontinental Railroad marked a pivotal milestone in the transportation history of the United States as it connected the Eastern and Western regions of our country and helped spur the further economic expansion of the west; and

Whereas, According to Congressional records, the completion of the Transcontinental Railroad reduced travel time across the nation from several months to one week; and

Whereas, On June 4, 1876, seven years after the completion of the transcontinental railroad a train known as the Transcontinental Express arrived in San Francisco, California, approximately eighty-three hours after leaving New York City; and

Whereas, The Transcontinental Railroad is considered as one of the most important engineering and technological achievements of the 19th century; and

Whereas, In 1965, the United States Congress passed legislation to create the Golden Spike National Historic Site to commemorate the completion of the Transcontinental Railroad link in Promontory, Utah; now, therefore, be it

Resolved, That the Council of the City of New York recognizes May 10, 2019 as the 150th Anniversary of the Completion of the Transcontinental Railroad.

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

Int. No. 1544

By Council Members Kallos and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to sharing school bus GPS data with schools and other such related matters

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-609 of the administrative code of the city of New York, as added by local law number 32 for the year 2019, is amended to read as follows:

d. GPS data regarding the real time location and velocity of [the] *any such* bus or other motor vehicle [used to transport] *transporting* students [to or from schools] pursuant to a contract with the department of education shall be made available electronically to the [department, as well as to authorized parents or guardians of students who are being transported by such bus or other motor vehicle.] *chancellor of the city school district of the city of New York or such chancellor's designee.*

§ 2. Chapter 26 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-998 to read as follows:

§ 21-998 *School bus GPS data. a. The department shall make GPS data received pursuant to subdivision d of section 19-609 available electronically in real time to authorized individuals, including but not limited to:*

- 1. Parents or guardians of students who are being transported by such bus or other motor vehicle; and*
- 2. Personnel of any school, including but not limited to any site that provides services as part of an individualized education program, to or from which a student on such bus or other motor vehicle is being transported.*

b. The department shall promulgate such rules as may be necessary for the purpose of implementing this section, including but not limited to rules establishing criteria by which individuals may be deemed authorized pursuant to subdivision a of this section.

§ 3. Subdivision g of section 19-609 of the administrative code of the city of New York is renumbered subdivision c of section 21-998.

§ 4. This local law takes effect 180 days after it becomes law, except that the chancellor of the city school district of the city of New York shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Education.

Res. No. 864

Resolution declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate.

By Council Members Kallos, Constantinides, Lander, Reynoso, Levin, Espinal, Koslowitz, Powers, Chin, Rosenthal, Barron and Rivera.

Whereas, On April 22, 2016, world leaders from 174 countries and the European Union recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep warming well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C; and

Whereas, On October 8, 2018, the United Nations International Panel on Climate Change (“IPCC”) released a special report, which projected that limiting warming to the 1.5°C target this century will require an unprecedented transformation of every sector of the global economy over the next 12 years; and

Whereas, On November 23, 2018, the United States Fourth National Climate Assessment (“NCA4”) was released and details the massive threat that climate change poses to the American economy, our environment and climate stability, and underscores the need for immediate climate emergency action at all levels of government; and

Whereas, According to the National Aeronautics and Space Administration (NASA)’s Goddard Institute for Space Studies (GISS), global temperatures in 2018 were .83°C (1.5°F) warmer than the 1951 to 1980 mean, and the past five years are collectively the warmest in modern history; and

The death and destruction already wrought by climate change demonstrates that the Earth is already too hot for safety, as attested by increased and intensifying wildfires, floods, rising seas, diseases, droughts and extreme weather; and

Whereas, World Wildlife Fund’s 2018 Living Planet report finds that there has been 60% decline in global wildlife populations between 1970 and 2014, with causes including overfishing, pollution and climate change;

Whereas, According to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, human activity has already severely altered 40% of the marine environment, 50% of inland waterways, and 75% of the planet’s land, and it is projected that half-to-one million species are threatened with extinction, many within the next few decades; and

Whereas, The United States of America has disproportionately contributed to the climate and extinction emergencies and has repeatedly obstructed global efforts to transition toward a green economy, and thus bears an extraordinary responsibility to rapidly address these existential threats; and

Whereas, Restoring a safe and stable climate requires transformative societal and economic change on a scale not seen since World War II to reach net zero greenhouse gas emissions across all sectors, to rapidly and safely drawdown or remove all the excess carbon from the atmosphere, to end the 6th mass extinction of species, and to implement measures to protect all people and species from the increasingly severe consequences of climate change; and

Whereas, A sweeping overhaul of the economy that centers on equity and justice in its solutions is vital to our future and must include the following goals: dramatically expand existing renewable power sources and deploy new production capacity with the goal of meeting 100% of national power demand through renewable sources; build a national, energy-efficient, “smart” grid; upgrade every residential and industrial building for state-of-the-art energy efficiency, comfort and safety; eliminate greenhouse gas emissions from manufacturing, agricultural and other industries, including by investing in local-scale agriculture in communities across the country; repair and improve transportation and other infrastructure, and upgrade water infrastructure to ensure universal access to clean water; fund massive investment in the drawdown of greenhouse gases; make “green” technology, industry, expertise, products and services a major export of the United States, with the aim of becoming the international leader in helping other countries become greenhouse gas neutral economies and bringing about a global transition; and

Whereas, Marginalized populations in New York City and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, people with disabilities, and the unhoused are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase, oceans rise, and disasters worsen; and

Whereas, Addressing climate change fairly requires a “Just Transition” from fossil fuels to clean, renewable energy that is ecologically sustainable and equitable for all people, especially those most impacted by climate change already and those who will be most impacted in the future; and

Whereas, Core to a Just Transition is equity, self-determination, culture, tradition, deep democracy, and the belief that people around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education, healthcare, and shelter; and

Whereas, Just Transition strategies were first forged by a “blue-green” alliance of labor unions and environmental justice groups who saw the need to phase out the industries that were harming workers, community health, and the planet, while also providing just pathways for workers into new livelihoods; and

Whereas, Just Transition initiatives shift the economy from dirty energy that benefits fossil fuel companies to energy democracy that benefits our people, environment and a clean, renewable energy economy, from funding new highways to expanding public transit, from incinerators and landfills to zero waste products, from industrial food systems to food sovereignty, from car-dependent sprawl and destructive unbridled growth to smart urban development without displacement, and from destructive over-development to habitat and ecosystem restoration; and

Whereas, Building a society that is resilient to the current, expected, and potential effects of climate change will protect health, lives, ecosystems, and economies, and such resilience efforts will have the greatest positive impact if the most dramatic potential consequences of climate change are taken into account; and

Whereas, Climate justice calls for climate resilience planning that addresses the specific experiences, vulnerabilities, and needs of marginalized communities within our jurisdiction, who must be included and supported in actively engaging in climate resilience planning, policy, and actions; and

Whereas, Actions to eliminate greenhouse gas emissions and/or drawdown greenhouse gases may be taken in ways that also improve resilience to the effects of climate change, and vice versa; and

Whereas, Climate justice requires that frontline communities, which have historically borne the brunt of the extractive fossil-fuel economy, participate actively in the planning and implementation of this mobilization effort at all levels of government and that they benefit first from the transition to a renewable energy economy; and

Whereas, Fairness demands the protection and expansion of workers’ right to organize as well as a guarantee of high-paying, high-quality jobs with comprehensive benefits for all as the mobilization to restore a safe climate is launched; and

Whereas, Common sense demands that this unprecedented mobilization effort address the full suite of existential ecological threats facing humanity in a comprehensive, integrated and timely fashion; and

Whereas, Nearly 400 cities, districts and counties across the world representing over 34 million people collectively have recently declared or officially acknowledged the existence of a global climate emergency, including Hoboken, Berkeley, Los Angeles, Montgomery County, Oakland, Richmond, and Santa Cruz in the United States, Bristol and London in the United Kingdom and many cities in Australia, Canada, and Switzerland; and

Whereas, New York City, as the largest city in the United States, can act as a global leader by both converting to an ecologically, socially, and economically regenerative economy at emergency speed, and by rapidly organizing a regional just transition and climate emergency mobilization effort; now, therefore, be it

Resolved, The City Council declares a climate emergency and calls for an immediate emergency mobilization to restore a safe climate.

Referred to the Committee on Environmental Protection.

Int. No. 1545

By Council Members King, Cornegy, Deutsch and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to restricting the advertisement of alcoholic beverages near schools

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

ARTICLE 506
OUTDOOR ALCOHOL ADVERTISEMENTS

§ 28-506.1 Definitions. *As used in this chapter, the following terms have the following meanings:*

Alcoholic beverage. The term “alcoholic beverage” has the same meaning as such term is defined in section 3 of the alcoholic beverage control law.

Alcoholic beverage advertisement. The term “alcoholic beverage advertisement” means any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other written indicia of product identification identical or similar to, or identifiable with, those used for any brand of alcoholic beverage, or any combination thereof, the purpose or effect of which is to promote the use or sale of alcoholic beverages through such means as, but not limited to, the identification of a brand of an alcoholic beverage, a trademark of an alcoholic beverage or a trade name associated exclusively with an alcoholic beverage.

Outdoor sign. The term “outdoor sign” means any display that (i) is publicly visible outside, (ii) is affixed to a building or other structure and (iii) is used to announce, direct attention to or advertise.

School. The term “school” means any building or structure, or any portion thereof, that is owned, occupied by, or under the custody or control of any public, private or parochial institution and lawfully used for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

Seller. The term “seller” means any person to whom a license or permit has been issued by the state liquor authority to manufacture or sell alcoholic beverages.

§ 28-506.2 Alcoholic beverage advertisement restrictions. *No person may place, cause to be placed, maintain, or cause to be maintained, an alcoholic beverage advertisement on an outdoor sign within 500 feet in any direction of any school.*

28-506.2.1 Exceptions. *This section does not apply to any alcoholic beverage advertisement:*

- 1. on a motor vehicle;*
- 2. on a building or structure, or a portion thereof, that is owned, operated or leased by any seller at which such seller is licensed or permitted to sell or manufacture alcoholic beverages;*
- 3. with a surface area of nine square feet or smaller; or*
- 4. outside of the area described in the rules promulgated pursuant to section 28-506.4.*

§ 28-506.3 Penalties. *Any person who violates section 28-506.2 is liable for a civil penalty of \$350 for a first violation and \$1,000 for each subsequent violation. Each day's continuance shall be a separate and distinct violation.*

§ 28-506.4 Rulemaking. *The department shall promulgate, and update as necessary, rules setting forth the boundaries of all areas of the city that are within 500 feet in any direction of any school.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1546

By Council Member Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on clearance rates of index crimes

Be it enacted by the Council as follows:

Section 1. Section 14-171 of the administrative code of the city of New York, as added by local law number 42 for the year 2018, is amended to read as follows:

§ 14-171[.] Index crime clearance report. a. *For the purposes of this section, the following terms have the following meanings:*

Clearance rate. The term "clearance rate" means the number of specific crimes where at least one person has been arrested *at any time*, not including voided arrests, divided by the total number of such crimes reported *during a defined period of time.*

b. No later than 30 days after the quarter ending December 31, 2017 and *no later than* 30 days after every quarter thereafter, the department shall *provide to the council and* publish on the department's website a report *regarding the clearance rate* for the prior quarter, [which shall include a report for each] *in total and disaggregated by* borough[,]*and precinct,* [of the clearance rate] for the following crimes:

1. Homicide as defined in article 125 of the penal law;
2. Rape as defined in article 130 of the penal law;
3. Robbery as defined in article 160 of the penal law;
4. Felony assault as defined in article 120 of the penal law;
5. Burglary as defined in article 140 of the penal law;
6. Grand larceny as defined in article 155 of the penal law; and
7. Grand larceny involving the theft of a motor vehicle as defined in article 155 of the penal law.

c. *No later than 30 days after the year ending December 31, 2019, the department shall provide to the council and publish on its website a report regarding the clearance rate for the prior year, in total and disaggregated by borough and precinct, for the crimes listed in subdivision b.*

d. *Each report required pursuant to this section shall be stored permanently on the department's website and updated quarterly or yearly, respectively, to reflect any crimes for which arrests were made subsequent to the publication of the most recently published such report.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1547

By Council Members Lander, Treyger, Torres and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to expanding reports on demographic data in New York city public schools

Be it enacted by the Council as follows:

Section 1. Section 21-956 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

§ 21-956 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

[“]Over the counter[”]. *The term “over the counter” [shall mean] means* a process of enrollment for high school students other than the citywide high school admissions process.

[“]Performance level[”]. *The term “performance level” [shall mean] means* the classification of test scores received on the New York state English language arts and mathematics examinations into four proficiency categories as reported by the state.

[“]Resident in temporary housing[”]. *The term “resident in temporary housing” [shall mean] means* satisfying the definition of “homeless child” as set forth in chancellor’s regulation A-780.

[“]School[”]. *The term “school” [shall mean] means* a school of the city school district of the city of New York, including charter schools under the jurisdiction of the department.

[“]Special programs[”]. *The term “special programs” [shall mean] means* academic programs including but not limited to gifted and talented programs in grades kindergarten through five [and dual], language programs in grades kindergarten through eight *and programs with specific criteria for admissions including but not limited to screened, screened language, composite score, talent test, audition and school-managed admissions, in grades six through 12.*

§ 2. Subdivisions a, b, d, e and f of section 21-957 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, are amended to read as follows:

§ 21-957 Annual report on the demographics of students in kindergarten through grade eight. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the *speaker of the council* and post on its website a report regarding the following:

a. For each community school district, school within such district, [and] special program within such school, *and grade within such school* the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

1. [receive] *Receive* special education services;

2. [are] *Are* English language learners;

3. [receive free or reduced price school lunch] *Are eligible for public assistance from the human resources administration;*

4. [reside] *Reside* in temporary housing; [and]

5. *Are attending school out of the attendance zone in which the student resides, if applicable; and*

[5] 6. [are] *Are* attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. [grade] *Grade* level;

2. [race] *Race* or ethnicity;

3. [gender] *Gender*; and

4. [for students who are English language learners, primary home language.] *English language learner status; and*

5. *The student's primary home language.*

d. For each school and special program set forth in subdivision a of this section, the department shall report:

1. [the] *The admissions process used by such school or special program, [such as] including, but not limited to, whether admission to such school or special program is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; [and]*

2. [whether other] *Any criteria or methods that are used [for admission] to supplement the admissions process, including but not limited to preferences established under the department's diversity in admissions pilot, composite score formulas, waitlists or a principal's discretion[.];*

3. *A side-by-side comparison of the racial and ethnic demographics of the school or special program with the racial and ethnic demographics of all students in kindergarten through grade eight that reside within the applicable attendance zone, and, if the applicable attendance zone is smaller than the community school district, a side-by-side comparison of the racial and ethnic demographics of the school or special program, the applicable attendance zone and the community school district; and*

4. *Whether such school or special program is becoming more or less similar to the racial and ethnic demographics of the applicable attendance zone and the community school district, based on the comparison required pursuant to paragraph 3 of this subdivision.*

e. For each community school district, [T]the department shall report on whether the department made any efforts in such community school district during the preceding school year to encourage a diverse student body in its schools and special programs and, if so, the details of any such efforts, including, but not limited to, strategic site selection of new schools and special programs, making recommendations to the community education council to draw attendance zones with recognition of the demographics of neighborhoods, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.

f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

§ 3. Section 21-957 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. *The report required pursuant to this section shall, to the extent the department has such information, include data regarding charter schools located within the five boroughs.*

§ 4. Subdivisions a, b, d, e and f of section 21-958 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, are amended to read as follows:

§ 21-958 Annual report on high school student demographics. Not later than December 31, 2015, and by November 1 of each year thereafter, the department shall submit to the *speaker of the council* and post on its website a report regarding the following:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

1. [receive] *Receive* special education services;

2. [are] *Are* English language learners;

3. [receive free or reduced price school lunch] *Are eligible for public assistance from the human resources administration;*

4. [reside] *Reside* in temporary housing; and

5. [are] *Are* enrolled over the counter.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. [grade] *Grade* level;

2. [race] *Race* or ethnicity;
 3. [gender] *Gender*; and
 4. [for student who are English language learners, primary home language.] *English language learner status*;
- and
5. *The student's primary home language.*
- d. For each high school set forth in subdivision a of this section, the department shall report:
1. [the] *The* admissions process used by such school, such as whether admissions to such school is based on a lottery, a geographic zone, a screening of candidates for such school, or a standardized test; and
 2. [whether] *Whether* other criteria or methods are used for admissions including, but not limited to, *preferences established under the department's diversity in admissions pilot*, over the counter admissions, waitlists, or a principal's discretion.
- e. The department shall report, *on an individual high school level*, on efforts *each individual high schools has taken* during the preceding school year to encourage a diverse student body [in its high schools] including, but not limited to, strategic site selection of new schools and special programs, the allocation of resources for schools and special programs, and targeted outreach and recruitment efforts.
- f. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

§ 5. Subdivision b of section 21-959 of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended to read as follows:

b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between [0] *one* and [5] *five* students, or contains an amount that would allow another category that contains between [0] *one* and [5] *five* students to be deduced, the number shall be replaced with a symbol[, or shall be subject to some other form of data suppression]. *A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

§ 6. This local law takes effect immediately.

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

Res. No. 865

Resolution calling upon the New York State Legislature to pass and the Governor to sign A6564/S4244, which would permit any child who is at least fourteen years old to have administered certain immunizations required or recommended by law, regardless of parental consent.

By Council Member Levine.

Whereas, There has been a rising occurrence in the outbreak of diseases such as measles across the United States with approximately 465 cases in 19 states from January 1 through April 4, 2019, according the US Centers

for Disease Control and Prevention, totaling the second-highest number of cases reported in the United States since the declared elimination of the disease in 2000; and

Whereas, Measles is a highly contagious and easily transmitted viral disease which can live for up to two hours in air or on surfaces where an infected person coughed or sneezed and people who lack immunity to the disease are much more likely to contract the virus if they come into in contact with an infectious person or near where an infected person recently has been; and

Whereas, Measles can result in very serious complications like brain swelling and pneumonia especially in those with weakened or compromised immune systems such as infants, young children, pregnant persons, and older adults; and

Whereas, Ohio teenager, Ethan Lindenberger testified to Congress in March about the dangerous of misinformation and the prevalence of anti-vaccination sentiment in the United States and that he defied his family's beliefs and got himself a series of immunizations after his realization that he was a health risk to his school and community without them; and

Whereas, In December of 2018, New York City's Department of Health and Mental Hygiene (DOHMH) issued exclusion orders which banned unvaccinated children from attending yeshivas until they were vaccinated or the outbreak had concluded for specific zip codes in Brooklyn and Queens where the outbreaks were most severe totaling 423 confirmed cases, including 61 and 348 confirmed cases in Borough Park and Williamsburg respectively as of April 29, 2019; and

Whereas, On April 9, 2019, Mayor Bill de Blasio declared the spread of measles a public health emergency and DOHMH announced that they would require unvaccinated individuals living in select ZIP codes to receive the Measles, Mumps, Rubella (MMR) vaccine in order to deal with the rising numbers of infected people in this part of the city and those who don't comply will be subject to potential fines; and

Whereas, The bill proposed in the New York State legislature would permit any child aged 14 years or older to be vaccinated and given booster shots without parental consent for a range of diseases including mumps, diphtheria, whooping cough, tetanus, influenza, hepatitis B and measles, which would help to ensure the necessary herd immunity that keeps communities safe and protects the most vulnerable members of the population, like infants, the elderly and those with compromised immune systems from exposure and contraction; and; now, therefore, be it

Resolved, The New York City Council calls upon the New York State Legislature to pass and the Governor to sign A6564/S4244, which would permit any child who is at least fourteen years old to have administered certain immunizations required or recommended by law, regardless of parental consent.

Referred to the Committee on Health.

Int. No. 1548

By Council Members Miller, Richards, the Public Advocate (Mr. Williams), Rosenthal and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the seizure of three-dimensional printed guns and ghost guns, or any piece or part thereof

Be it enacted by the Council as follows:

Section 1. Paragraph 8 of subdivision a of section 14-150 of the administrative code of the city of New York, as added by local law number 57 for the year 2008, is amended to read as follows:

8. A report of the number of firearms, *including ghost guns and firearms created using a three-dimensional printer, or any piece or part thereof*, possessed in violation of law that have been seized, disaggregated by precinct and type of firearm. Such report shall also include, disaggregated by precinct: (i) the number of arrests made and type of crimes charged involving firearms possessed in violation of law, including arrests for the

distribution and sale of such firearms; and (ii) the total number and type of firearms recovered in the course of arrests made.

§ 2. Paragraph 8 of subdivision b of section 14-150 of the administrative code of the city of New York, as added by local law number 1 for the year 2009, is amended to read as follows:

8. For purposes of this section, the following terms shall have the following meanings:

[(i)] (a) “firearms incident” means any incident during which one or more New York city police officers discharge any firearm, or when a firearm belonging to a New York city police officer is discharged by any person, except for a discharge during an authorized training session, or while lawfully engaged in target practice or hunting, or at a firearms safety station within a department facility;

[(ii)] (b) “subject” means a person engaged in adversarial conflict with an officer or third party, in which the conflict results in a firearms discharge;

[(iii)] (c) “civilian” means a person who is not the subject in the adversarial conflict but is included as a victim, bystander, and/or injured person;

[(iv)] (d) “officer” means a uniformed member of the department, at any rank;

[(v)] (e) “intentional firearms discharge” means a firearms discharge in which an officer intentionally discharges a firearm, which may include firearms discharges that are determined to be legally justified but outside department guidelines;

[(vi)] (f) “adversarial conflict” means an incident in which an officer acts in defense of self or another during an adversarial conflict with a subject and does not include an animal attack or situations in which an officer only intentionally discharges a firearm to summon assistance;

[(vii)] (g) “unintentional firearms discharge” means a firearms discharge in which an officer discharges a firearm without intent, regardless of the circumstance, commonly known as an accidental discharge; [and]

[(viii)] (h) “unauthorized use of a firearm” means a firearms discharge that is considered unauthorized and is not listed as an intentional firearms discharge, is being discharged without proper legal justification, and includes instances when an unauthorized person discharges an officer's firearm[.] ;

(i) “*frame or receiver*” means a part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel;

(j) “*ghost gun*” means any firearm that is assembled from a frame or receiver that has been marketed or sold, either individually or as part of a kit, as an unfinished frame or receiver that could be used to assemble a firearm;

(k) “*three-dimensional printer*” means a computer-driven machine capable of producing a three-dimensional object from a digital model by adding layers of material in succession; and

(l) “*unfinished frame or receiver*” means a piece of any material that does not constitute the frame or receiver of a firearm but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm with modification by the user.

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 866

Resolution calling on the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act.

By Council Members Miller, Rosenthal, Richards and the Public Advocate (Mr. Williams).

Whereas, 3-D printed firearms are unlicensed, untraceable, and can be undetectable as they are typically made of plastic; and

Whereas, While the United States Undetectable Firearms Act of 1988 requires guns to be detectable by metal screening machines, it does not require firearms to have a major component made of metal; and

Whereas, Several 3-D firearms bypass metal detection as they are designed to only include a removable metal block that is not necessary for its functionality; and

Whereas, According to experts, 3-D printed guns tend to fail, jam, and explode at higher rates than regular firearms, presenting a significantly higher danger to users and bystanders than a firearm made through regular production means; and

Whereas, As 3-D printers have become more accessible and widespread, the dangers posed by 3-D firearms is growing rapidly; and

Whereas, In August 2018, Judge Robert S. Lasnik of the United States District Court issued a temporary nationwide injunction barring the online publication of a 3-D gun blueprint and design; and

Whereas, Law enforcement and gun control activists have raised concerns about 3-D printed firearms, as they allow criminals to bypass background checks and ignore gun licensing laws that require unique serial numbers; and

Whereas, New York City has already seen the problems posed by these guns; and

Whereas, In September 2018, a puppet specialist for a Broadway musical was arrested and charged with manufacturing a 3-D printed gun in the play's prop room using designs he found online; and

Whereas, "Ghost Guns" are firearms made from incomplete gun frames or lower receivers that can be legally purchased without a license and transformed into an operable firearm using tools available in most hardware stores; and

Whereas, Under federal law, completed lower receivers are considered firearms, however incomplete lower receivers are unregulated; and

Whereas, Ghost guns present similar dangers as 3-D guns as they too can go undetected; and

Whereas, The 3-D Firearms Prohibition Act, sponsored by United States Representative Frank Joseph Pallone Jr., would prohibit the sale, acquisition, distribution in commerce, or import of "do-it yourself" firearm parts and kits, the marketing of such kits, and would require homemade firearms to have serial numbers; and

Whereas, Pursuant to the 3-D Firearms Prohibition Act, firearm receiver casting, blanks, and unfinished handgun frames would be considered banned hazardous products under the Consumer Product Safety Act; and

Whereas, Pursuant to the 3-D Firearms Prohibition Act, the advertising of marketing of on any medium, including the Internet, for the sale of do-it yourself assault weapons parts or kits would be unlawful; and

Whereas, Further, the 3-D Firearms Prohibition Act would require the attainment of a serial number and identifying mark for a firearm prior to making it; and

Whereas, The manufacturing and possession of 3-D printed firearms and Ghost Guns should be banned as they present serious safety hazardous to New Yorkers and the rest of the nation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, H.R. 7115 also referred to as the 3-D Firearms Prohibition Act.

Referred to the Committee on Public Safety.

Int. No. 1549

By Council Members Moya, Koo and Vallone.

A Local Law in relation to renaming one thoroughfare and public place in the Borough of Queens, Seaver Way, and to amend the official map of the city of New York accordingly

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

| New Name | Present Name | Limits |
|------------|--------------|---|
| Seaver Way | 126th Street | Between Northern Boulevard and Roosevelt Avenue |

§2. The official map of the city of New York shall be amended in accordance with the provisions of sections one and two of this local law.

§3. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 867

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.1947/A.1261, in relation to hours, wages and supplements in contracts for public work.

By Council Members Moya, Koslowitz, Ampry-Samuel, Salamanca, King, Rivera, Ayala, Cabrera, Constantinides, Kallos, Espinal, Gibson and Grodenchik.

Whereas, New York State (NYS) Labor Law and the NYS Constitution mandate that contractors and subcontractors pay the prevailing rate of hours, wages and supplements (fringe benefits), known as the prevailing wage, to all workers under a public work contract, mainly regarding public work projects for construction and reconstruction (Article 8 of the NYS Labor Law), and building services contracts (Article 9 of the NYS Labor Law); and

Whereas, In New York City (NYC), the prevailing wage is set annually by the NYC Comptroller, however, in addition to public work projects that are included under NYS Labor Law, the NYC Administrative Code requires additional public work projects to be covered under the prevailing wage, including certain buildings receiving financial assistance from, or leasing space to, the NYC government, and food services or temporary office services for contracts with NYC government agencies; and

Whereas, Although NYS Labor Law and the NYC Administrative Code specify what types of trades are bound by the prevailing wage requirement, there is a persistent problem in the lack of a clear definition of “public work;” and

Whereas, This lack of a clear definition causes problems in the way in which certain projects are classified or not classified as a public work project, ultimately determining whether workers are required to receive the prevailing wage or not; and

Whereas, The New York State School of Industrial and Labor Relations at Cornell University (ILR School of Cornell University) exemplifies this problem by reporting that public work projects were typically defined in the past as construction projects of public facilities funded by public money and for public use, however, more recently, the definition of “public work” has been blurred, due to the comingling of various forms of public and private funding, which has caused uncertainty among many contractors and subcontractors regarding their obligation to provide the prevailing wage to their workers; and

Whereas, Further, neither NYS Labor Law nor the NYS Constitution defines “public work,” which has led to a number of court cases challenging certain projects’ status as public work projects, resulting in fewer projects and workers subject to the prevailing wage requirement, according to the NYS Building and Construction Trades Council; and

Whereas, Legislation has been introduced at the state level to ensure that workers on public work projects receive the prevailing wage and its' associated benefits, which, according to the ILR School of Cornell University, include: increased consumer demand that supports local business-with every dollar spent on the prevailing wage generating \$1.50 for local economics; protection of communities, workers, and contractors from lower-paying, out-of-state competition; and increased incomes and tax revenues, among other things; and

Whereas, S.1947, introduced by Senator Jessica Ramos, and A.1261, introduced by Assemblymember Harry B. Bronson, provide: a clear definition of "public work" to include all projects paid for in whole or in part with public funds, certain construction work performed under private contract, and certain construction work performed as a condition of regulatory approval; exemptions to providing the prevailing wage for homeowners, certain non-profits, certain affordable housing projects, and projects eligible for benefits provided under section 421-a of the real property taxation law; and the NYS Labor Commissioner with the ability to issue a stop-work order if any person involved with public work projects fails to comply with or intentionally evades work requirements; and

Whereas, This legislation will remedy the present situation of uncertainty that exists in NYS regarding which projects fit the definition of "public work" and are subject to the prevailing wage; and

Whereas, S.1947/A.1261 are specifically important to NYC because, according to a report by the New York Building Congress, government spending on public work projects in NYC is expected to increase to \$23 billion in 2019 and \$24 billion in 2020, meaning that there will be a large increase in public work projects and workers that are subject to the prevailing wage; and

Whereas, This legislation would effectively ensure that those workers on a public work project in NYS receive the wages, hours and supplements that they deserve, while also encouraging economic development and poverty reduction throughout NYS; now, therefore be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the New York State Governor to sign, S.1947/A.1261, in relation to hours, wages and supplements in contracts for public work.

Referred to the Committee on Civil Service and Labor.

Preconsidered Res. No. 868

Resolution calling on the New York City Department of Education to ensure the methodology for developing and scoring the Specialized High School Admissions Test, and the methodology for any future process implemented for Specialized High School admissions, be transparent and accessible to the general public.

By Council Member Powers.

Whereas, The New York City (NYC) Department of Education (DOE) manages NYC's public school system, which includes more than 1,800 schools, with over 400 high schools; and

Whereas, Included within the DOE's 400 high schools, are nine Specialized High Schools (SHS), which serve students who excel academically and/or artistically; and

Whereas, In NYC, SHS are regarded as the most prestigious public schools, with students scoring at the 99th percentile of the state SAT distribution and accounting for the majority of NYC students who attend Harvard, Princeton, and Yale, according to a 2018 Brookings' report; and

Whereas, For eight of the nine SHS, admission is based solely on the score attained on a single test, the Specialized High School Admissions Test (SHSAT), while for one of these schools, Fiorello H. LaGuardia High School of Music & Art and Performing Arts (LaGuardia), acceptance is based on an audition and a review of a student's academic records; and

Whereas, Notably, the enactment of a State law in 1971, known as the Hecht-Calandra Act, codified into law the SHS' use of a single test for admission, with the exception of LaGuardia, requiring that admission into a SHS "be solely and exclusively" gained by taking a specialized, voluntary admissions test, the SHSAT; and

Whereas, Due to the high educational standards of these schools, they are highly sought after and competitive; and

Whereas, For example, the DOE reports that approximately 27,500 NYC 8th graders took the SHSAT for admittance into one of the eight test-based SHS for the 2019-20 school year; however, only 4,798 of these students received an offer to one of the SHS as a result of their SHSAT score; and

Whereas, Despite the high demand for students to be admitted into SHS, there has been widespread discussion of the eight test-based SHS' use of a single test for admission, as many contend that considering other factors, such as student grades, will help create a fairer admissions system; and

Whereas, To support this assertion, a 2008 Arizona State University and University at Colorado at Boulder study by Dr. Joshua Feinman revealed striking flaws in the SHSAT's methodology, finding that: the SHSAT has an unusual, not widely known scoring feature that can favor those who have access to extensive test-prep tutors; thousands of students who are not accepted have scores that are statistically indistinguishable from thousands who are granted admission due to the use of less precise methods; certain versions of the SHSAT may increase the chances students have to gain admission; and no studies have ever been done to see if the SHSAT is subject to prediction bias across gender and ethnic groups; and

Whereas, Notably, the student population at these test-based SHS does not adequately represent the broader NYC high school population, which is apparent in these SHS' lack of black or Latino students (less than 10% in 2018) despite the DOE system being approximately two-thirds black or Latino over all, according to The New Yorker; and

Whereas, Thus, it is vital to ensure that the methods behind developing and scoring the SHSAT, or any future SHS admissions' methodology, be transparent and accessible, and subject to critical analysis and improvement, to help ensure that NYC's SHS are diverse and representative of the whole City; now, therefore be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to ensure the methodology for developing and scoring the Specialized High School Admissions Test, and the methodology for any future process implemented for Specialized High School admissions, be transparent and accessible to the general public.

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

Preconsidered Int. No. 1550

By The Public Advocate (Mr. Williams) and Council Members Torres, Lander, Richards, Cornegy and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a school diversity advisory group

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 28 to read as follows:

Chapter 28. School Diversity Advisory Group

§ 21-999 School diversity advisory group. a. There shall be a school diversity advisory group to assist the department in achieving diverse, integrated schools that offer academic and social benefits for all students. Such

advisory group shall review current department policies and engage parents, teachers, students, advocates, other community leaders and local and national experts on school diversity to formulate recommendations to the department in its efforts to achieve integration and equity for city of New York public school students.

b. The school diversity advisory group shall consist of at least 23 members as follows:

1. The mayor or the mayor's designee;

2. The speaker of the council or the speaker's designee;

3. Sixteen members appointed by the mayor of which four shall be teachers or principals employed by the department, two shall be current students, five shall be experts in the field of culturally responsive curriculum and pedagogy, restorative justice school discipline policies, teacher education and training, integration or education policy, and five shall be parents of a child attending a public school within the city school district; and

4. Five members appointed by the speaker of the council, chosen from individuals representing community based organizations.

c. The parental appointees pursuant to paragraph 1 of subdivision b of this section shall be residents of the city, shall be from different boroughs and one shall be a parent of a child in an elementary school, one shall be a parent of a child in a middle school and one shall be a parent of a child in high school.

d. Membership on the advisory group shall not constitute the holding of a public office, and members of the advisory group shall not be required to take or file oaths of office before serving on the advisory group. Each member of the advisory group shall serve without compensation for a term of 12 months, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

e. All members shall be appointed within 90 days after the effective date of this local law. Each member can be re-appointed to serve successive terms. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment. The members shall designate a chair from amongst themselves.

f. The mayor may designate one or more agencies to provide staffing and other administrative support to the advisory group.

g. The advisory group shall be required to meet no less than quarterly and shall also be required to hold five public hearings annually to solicit public comment on the integration of New York city public schools.

h. No later than December 1, 2020, and annually thereafter, the advisory group shall prepare a report on findings, annual review of departmental integration efforts and recommendations to the department. The recommendations shall address areas including, but not limited to:

1. Setting racial and socio-economic diversity goals and how the department can best track and publish metrics in achieving such goals;

2. How the department can support schools in diversifying their populations;

3. Professional development of departmental employees;

4. How the department can change its funding formulas for schools to better address inequitable opportunities in schools for programs, staff and facilities;

5. Accessibility and integration of students with disabilities;

6. Pedagogy and curriculum;

7. School climate;

8. Restorative justice and practices;

9. Parent and teacher empowerment; and

10. Any other areas the advisory group deems necessary.

i. The report required pursuant to subdivision h of this section shall be submitted to the mayor and the speaker of the council and posted on the department's reports section of its website. The department shall to notify students, parents, teachers and administrators each time such report is posted to the department's website. The department is required to maintain on its reports section of its website all reports submitted by the advisory group.

j. The department shall be required to add an addendum for reports required in year 2021 and annually thereafter that shall include information on the implementation of such recommendations. The department shall be required to include a detailed explanation for recommendations that the department chooses not to

implement. For those recommendations the department chooses to enact, the department in its addendum shall be required to include an implementation timeframe for each recommendation. If a target date will not be met, the department shall include an explanation and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

§ 2. This local law takes effect immediately.

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

Preconsidered Int. No. 1551

By Council Member Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York police department to report on instances in which an individual denied an officer consent to a search

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 14-173 of the administrative code of the city of New York, as added by local law number 56 for the year 2018, is amended to read as follows:

2. Document the time, location, and date of *any such attempt to obtain consent to search*, and the apparent race/ethnicity, gender, and age of the person [who was the subject of such search] *from whom consent was sought*, and such officer's name, precinct, and shield number.

§ 2. Subdivision e of section 14-173 of the administrative code of the city of New York, as added by local law number 56 for the year 2018, is amended to read as follows:

e. Commencing within 30 days of the end of the quarter beginning on October 1, 2018, and within 30 days of the end of every quarter thereafter, the department shall post on its website a report of data *from the preceding quarter* collected pursuant to paragraph 2 of subdivision b, [specifically the] *including, but not limited to:*

1. *The total number of consent searches conducted [during the preceding quarter] disaggregated by:* [the:

1. Apparent] *(a) The apparent race/ethnicity, gender, and age of the person searched; and*

[2. Precinct] *(b) The precinct where each search occurred, and further disaggregated by the apparent race/ethnicity, gender, and age of the person searched[.]; and*

2. *The total number of instances where an officer sought to obtain consent to search but did not obtain such consent disaggregated by:*

(a) The apparent race/ethnicity, gender, and age of the person from whom such consent was sought; and

(b) The precinct where each such attempt to obtain consent to search occurred, and further disaggregated by the apparent race/ethnicity, gender, and age of the person from whom such consent was sought.

§ 3. This local law takes effect 120 days after it becomes law.

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

Preconsidered Int. No. 1552

By Council Members Rivera, The Speaker (Council Member Johnson), Rosenthal and Kallos.

A Local Law in relation to creating district diversity working groups

Be it enacted by the Council as follows:

Section 1. District diversity working groups. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Community school district. The term “community school district” has the same meaning as such term is defined in subdivision 2 of section 2590-a of the education law.

Department. The term “department” means the New York city department of education.

b. There shall be a working group established for every community school district to review and make recommendations to foster and increase school diversity. Each working group shall consist of at least 13 members. Members of each working group shall be appointed by the mayor and consist of, at minimum, the following:

1. One elementary school teacher currently employed by the department and assigned to a school within the respective community school district;

2. Two middle school teachers currently employed by the department and assigned to a school within the respective community school district;

3. Two principals currently employed by the department and assigned to a school within the respective community school district;

4. Four parents of students attending a school within the respective community school district;

5. Two students currently attending a middle school within the respective community school district;

6. One representative of the community education council within the respective community school district;

and

7. The superintendent, or superintendent’s designee, with jurisdiction over the respective community school district.

c. For each working group, the mayor shall appoint a department representative to serve as a co-facilitator.

d. Each working group shall select a community based organization to serve as a co-facilitator selected from a list established by the mayor. A community based organization is required to have a mission focused in support of multicultural education, diversity, or equity and justice.

e. All members shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

f. Membership on a working group shall not constitute holding of a public office, and members of a working group shall not be required to take or file oaths of office before serving on the taskforce. Each member of a working group shall serve without compensation.

g. Each working group shall be required to meet no less than quarterly. Each working group shall additionally be required to hold at least one public hearing every quarter to solicit public comment and recommendations on improving diversity within the respective community school district.

h. The mayor may designate one or more agencies to provide staffing and other administrative support to each working group.

i. Each working group shall create a plan to foster and increase school diversity. Areas that should be examined include but are not limited to: admission policies, transfer trends, language access and student transportation.

j. Each working group shall submit a report of its findings and a plan to increase school diversity to the mayor, chancellor of the city school district of the city of New York, and the speaker of the council no later than September 1, 2020.

k. Each working group shall dissolve upon submission of the plans required by this local law.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the plans required by section one of this local law.

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

Int. No. 1553

By Council Members Rosenthal, Miller, Richards, the Public Advocate (Mr. Williams) and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting unfinished frames or receivers

Be it enacted by the Council as follows:

Section 1. Section 10-301 of the administrative code of the city of New York is amended by adding new subdivisions 21, 22 and 23 to read as follows:

21. *“Frame or receiver.” Part of a firearm, rifle, shotgun or assault weapon that provides housing for the hammer, bolt or breechblock, and firing mechanism, and that is usually threaded at its forward portion to receive the barrel.*

22. *“Unfinished frame or receiver.” A piece of any material that does not constitute the frame or receiver of a firearm, rifle, shotgun or assault weapon but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle, shotgun or assault weapon with modification by the user and that is not engraved with a serial number that meets or exceeds requirements pursuant to subsection (i) of section 923 of title 18 of the United States code and regulations issued pursuant thereto.*

§ 2. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-314 to read as follows:

§ 10-314 *Prohibition on unfinished frames or receivers. a. Restriction of possession. Notwithstanding any other provision of this chapter, no person shall possess or dispose of an unfinished frame or receiver.*

b. Penalties. The violation of this section constitutes a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both, for each prohibited item possessed or disposed.

§ 3. This local law takes effect 120 days after it becomes law, except that the police commissioner may take all actions necessary to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1554

By Council Members Treyger, Kallos and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the demographics of school staff in New York city public schools

Be it enacted by the Council as follows:

Section 1. Chapter 6 of title 21-A of the administrative code of the city of New York, as added by local law number 59 for the year 2015, is amended by adding a new section 21-960.1 to read as follows:

§ 21-960.1 *Annual report on the demographics of school staff in New York city public schools. No later than November 1, 2020, and annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding the following:*

a. For each school in the city school district of the city of New York and charter schools under the jurisdiction of the department, the department shall report:

1. The number of employees employed at such school, disaggregated by:

(a) Gender;

(b) Race or ethnicity;

- (c) Length of employment at such school;
- (d) Years of experience;
- (e) Highest degree earned; and
- (f) Job title.

b. The report required pursuant to subdivision a of this section shall be aggregated by community school district for schools serving grades pre-kindergarten through eight, by borough, and citywide.

c. For purposes of the public report required pursuant to this section, if a category contains between one and five employees, or contains an amount that would allow another category that contains between one and five employees to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero. The data in any report submitted to the speaker of the council shall not be suppressed.

§ 2. This local law takes effect immediately.

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

Int. No. 1555

By Council Members Vallone and Chin (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to anti-discrimination training on sexual orientation, gender identity and expression for senior service providers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-210 to read as follows:

§ 21-210 Anti-discrimination training. a. The commissioner shall require that employees of senior centers and employees of entities that contract with the department to provide services to senior citizens, be trained in the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and receive supplemental refresher training regarding the same at least once every three years, if such employee has or is expected to have significant and direct person to person contact with senior citizens.

b. The commissioner shall require senior centers to hold at least two educational sessions per year during which guests and members of the senior center will receive counseling regarding the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and be instructed on how to report instances of such discrimination and what avenues of relief and action are available to those who have experienced such discrimination.

c. The commissioner shall require that every senior center post signage in a prominent common area within the center that directs those who need information regarding discrimination based on sexual orientation, gender identity, and expression, including how to report such incidents, and what avenues of relief and action are available to those who have experienced such discrimination.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Aging.

Res. No. 869

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, a law establishing a property tax credit for Class 2 cooperative and condominium buildings that pass parking garage condition assessments pursuant to parts 1202 to 1204 of title 19 of the New York Codes, Rules and Regulations.

By Council Member Vallone.

Whereas, A parking garage condition assessment is an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element, evidence of the existence of any unsafe condition and evidence indicating that the parking garage is an unsafe structure; and

Whereas, For purposes of the condition assessment requirement, a parking garage includes any building in which any structural level is used, in whole or in part, for parking or storage of motor vehicles; and

Whereas, Parts 1202 to 1204 of title 19 of the New York Codes, Rules and Regulations require owners of parking garages to have periodic condition assessments of those parking garages performed by qualified professional engineers or under the supervision of a professional engineer; and

Whereas, A professional engineer who has concluded a parking garage condition assessment must file a written report detailing the results of the assessment; and

Whereas, Following a regulation change by the New York Department of State in 2018, buildings now must undertake parking garage condition assessments every three years even if they diligently maintain their parking garage, thereby increasing the likelihood that the condition assessment will result in a report showing no unsafe conditions; and

Whereas, Class 2 condominium and cooperative buildings, which are residential properties with more than three units, generally pass parking garage condition assessment costs on to the homeowners through increased maintenance fees or special assessments; and

Whereas, It is the sense of the Council that homeowners in Class 2 condominiums and cooperatives whose parking garages are deemed safe after a professional engineer's condition assessment should not have to bear the burden of the costly condition assessment process every three years; and

Whereas, a tax credit would reduce the burden on homeowners in Class 2 condominiums and cooperatives caused by the condition assessment requirement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, a law establishing a property tax credit for Class 2 cooperative and condominium buildings that pass parking garage condition assessments pursuant to parts 1202 to 1204 of title 19 of the New York Codes, Rules and Regulations.

Referred to the Committee on Finance.

Res. No. 870

Resolution calling upon the United States Congress to pass and the President to sign the TRACED Act, legislation to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and the New York State Legislature to pass and the Governor to sign S.3297A/A.675, legislation to limit robocalls to state residents and require telephone service providers to offer free call mitigation technology to telephone customers.

By Council Member Vallone.

Whereas, Over 5.2 billion robocalls were placed throughout the United States in March 2019—nearly half of which were scams—including 318.3 million and 175.9 million in New York State and city, respectively, according to YouMail's Robocall Index; and

Whereas, As of May 2018, 21 Chinese immigrants had lost a total of \$2.5 million to a robocall scheme that targeted people with Chinese last names, as the caller impersonated the Chinese Consulate and demanded money in exchange for a package or to prevent punishment from the consulate office, according to the New York Police Department and former Attorney General Schneiderman's office; and

Whereas, Robocalls have become increasingly more deceptive in recent years, with callers using local numbers in hopes that it will heighten the chances of a recipient answering, in a scheme known as “neighborhood spoofing”; and

Whereas, A potentially deadly risk can be posed by robocalls, with one New Jersey hand surgeon, Dr. Gary Pess, recalling that he received so many robocalls, which mimicked his area code, that he accidentally ignored an emergency room doctor calling about a person with a severed thumb, costing him precious minutes and stating that “it delayed the treatment of a patient”; and

Whereas, Other jurisdictions have begun taking action to curb robocalls, including Florida, which passed the Florida Call-Blocking Act of 2018 that authorized telecommunication providers to block certain calls; and

Whereas, New York State previously took steps to curb unsolicited telemarketing calls with the New York State Do Not Call Law of 2001, which allowed consumers to place their phone numbers on a central Do Not Call Registry and prohibited non-exempt telemarketers from making calls to anyone on the registry; and

Whereas, The Federal Trade Commission and the Federal Communications Commission collaborated in 2003 to create a National Do Not Call Registry, but further action is now required by the Federal government and by the state government to protect consumers from robocalls; and

Whereas, The TRACED Act would deter robocalls by imposing forfeiture penalties on parties that commit criminal robocall violations and require voice service providers to implement a call authentication framework; and

Whereas, S.3297A/A.675 would protect consumers by (1) banning unsolicited robocalls, (2) empowering the state attorney general to enforce robocall violations, while also allowing for civil penalties, (3) authorizing New Yorkers to sue robocallers, and (4) requiring telephone providers to offer consumers free technology to block robocalls; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the TRACED Act, legislation to deter criminal robocall violations and improve enforcement of section 227(b) of the Communications Act of 1934, and the New York State Legislature to pass and the Governor to sign S.3297A/A.675, legislation to limit robocalls to state residents and require telephone service providers to offer free call mitigation technology to telephone customers.

Referred to the Committee on Technology.

Int. No. 1556

By Council Members Yeger, Deutsch, Brannan, Diaz, Eugene, Levine, Treyger, Vallone, and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to providing security for houses of religious worship

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-181 to read as follows:

§ 10-181 Security for houses of religious worship.

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

Administering agency. The term “administering agency” means the Department of Citywide Administrative Services.

Allowable costs. The term “allowable costs” means: (i) security guard wages equal to the prevailing wage and supplements, subject to provisions of this section governing the reimbursement of such costs, and (ii) reasonable costs, as established by rules promulgated by the administering agency, paid by qualifying houses of religious worship to security guard companies. “Allowable costs” includes the cost of training that may be required pursuant to this section, but only to the extent that such training is not otherwise required by article 7-A of the general business law or any other federal, state, or local law or regulation, and shall not include any costs for overtime that are greater than fifteen percent of the non-overtime security wages reimbursed to a qualifying house of religious worship.

House of religious worship. The term “house of religious worship” means a church, temple, synagogue, mosque, or other building primarily used for religious services. The term “house of religious worship” also means a convent, monastery, rectory, parsonage, or any other building used as the permanent dwelling of a group of people devoted to religious life.

Prevailing wage and supplements. The term “prevailing wage and supplements” has the same meaning as in section 10-172.

Qualified provider list. The term “qualified provider list” means a list of security guard companies that meet standards established by the administering agency to provide security services to house of religious worships, which may include, but shall not be limited to, performance, training and other qualification standards.

Security assessment. The term “security assessment” means an on-site examination to determine existing security conditions and deficiencies, in addition to recommendations for improvements and corrective actions.

Security guard. The term “security guard” means an armed or unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in New York.

Security guard company. The term “security guard company” has the same meaning as in section 10-172.

Security services. The term “security services” means the protection of individuals and/or property from harm or other unlawful activity, as well as, prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of those in houses of religious worship, staff therein or the public.

b. *House of religious worship security guard reimbursement program.* The mayor shall authorize a program to reimburse qualifying houses of religious worship for the cost of security services as set forth in this section

d. *Upon request of a house of religious worship, the administering agency shall coordinate with the New York city police department and provide a security assessment within 14 days of the request. The security assessment shall be provided to such house of religious worship in writing.*

e. *The administering agency shall establish a qualified provider list. Such list may be developed based upon standards to be promulgated by rule, or may be developed through a procurement to be conducted by such agency.*

f. *Upon request of a qualifying house of religious worship, the administering agency shall reimburse such qualifying house of religious worship for the allowable costs of a security guard to provide security services at all times that the institution is in operation.*

g. *Notwithstanding the provisions of subdivision f, a house of religious worship shall not be eligible to receive reimbursement from the administering agency unless:*

1. *such request is made in a form and manner prescribed by the administering agency;*
2. *each such security guard is employed by a security guard company on the qualified provider list, provided that if such list has not been established by the administering agency or the list contains fewer than three security guard companies, then each such security guard must be employed by a security guard company;*
3. *each such security guard is paid no less than the prevailing wage and supplements;*
4. *each such security guard provides security services and no other services;*
5. *each such security guard and security guard company has been employed or retained in compliance with applicable labor and employment laws;*

6. *the house of religious worship, acting in coordination with the security guard or security guard company, reports criminal and other significant public safety-related incidents to the police department or other appropriate government agency promptly after such incidents occur and in annual summary reports, in accordance with rules promulgated by the administering agency; and*

7. *the house of religious worship complies with rules promulgated by the administering agency.*

h. The administering agency shall provide reimbursement of allowable costs on a quarterly basis after receiving satisfactory proof from the house of religious worship of compliance with the requirements for reimbursement set forth in this section.

i. The reimbursement authorized by this section shall not interfere with any rights a security guard has pursuant to any collective bargaining agreement.

j. Nothing in this section shall prohibit a qualifying house of religious worship from paying a wage to a security guard greater than that for which it receives reimbursement pursuant to this section.

k. The provision of reimbursement to a house of religious worship for allowable costs of a security guard pursuant to this section shall not make the city of New York or any administering agency the employer of such security guard, and such house of religious worship shall be solely responsible for withholding and payment of any taxes and other government required payments. Further, nothing in this section shall be construed to relieve any qualifying house of religious worship of responsibility for all other elements of security that may be required or appropriate and are not funded pursuant to this section.

l. The administering agency may promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section, including, but not limited to, rules (i) relating to the training of security guards, (ii) ensuring that security guards and security guard companies are appropriately qualified to provide security services to qualifying houses of religious worship, and (iii) providing for prompt reporting of criminal and other significant public safety-related incidents to the police department or other appropriate government agency as well as annual summary reports of such incidents.

§2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 405

By Council Member Dromm:

Putnam Gardens, Block 3271, Lot 125; Bronx, Community District No. 18, Council District No. 11.

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

Preconsidered L.U. No. 406

By Council Member Dromm:

Apex Place Phase I, Block 2159, Lot 80; Queens, Community District No. 6, Council District No. 29.

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

Preconsidered L.U. No. 407

By Council Member Dromm:

Apex Place Phase II, Block 2159, Lots 20 and 50; Queens, Community District No. 6, Council District No. 29.

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

Preconsidered L.U. No. 408

By Council Member Dromm:

Soundview Homeownership-Phase III, Block 3515, Lot 20; Bronx, Community District No. 9, Council District No. 18.

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

Preconsidered L.U. No. 409

By Council Member Dromm:

2997 Marion Avenue, Block 3281, Lot 23; Bronx, Community District No. 7, Council District No. 11.

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

Preconsidered L.U. No. 410

By Council Member Salamanca:

Application No. 20190184 HAM (Haven Green) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Section 576-a(2) of the Private Housing Finance Law, for the disposition of and sale to a developer selected by HPD, property located at 199-207 Elizabeth Street a.k.a. 222-230 Mott Street (Block 493, Lot 30),, Borough of Manhattan, Council District 1, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting and Maritime Uses).

Preconsidered L.U. No. 411

By Council Member Salamanca:

Application No. N 180518 ZRQ (Mana Products Text Amendment) submitted by 27-11 49th Avenue Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations). Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 412

By Council Member Salamanca:

Application No. N 190205 ZRM (66 Hudson Yards Streetscape Text Amendment) submitted by 509 W 34, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying lobby and street tree provisions in Four Corners Subarea A2. Borough of Manhattan, Council District 3, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 413

By Council Member Salamanca:

Application No. C 190235 ZMM (East Harlem Neighborhood Rezoning) submitted by the New York City 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. 6b, by eliminating a Special East Harlem Corridors District (EHC). Borough of Manhattan, Council District 8, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 414

By Council Member Salamanca:

Application No. C 190236 ZRM (East Harlem Neighborhood Rezoning) submitted by the New York City 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, modifying Article III, Chapter 7 (Special Urban Design Regulations) and modifying the Special East Harlem Corridors District (Article XIII, Chapter 8). Borough of Manhattan, Council District 8, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 415

By Council Member Salamanca:

Application No. C 180517 MMQ (JFK North Site) submitted by Jughandle Realty LLC and The New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving the elimination, narrowing and realignment of the Nassau Expressway and the establishment of a portion of the south street line of Rockaway Boulevard within the area bounded by 159th Street, Nassau Expressway and Rockaway Boulevard, and the adjustment of grades and block dimensions necessitated thereby, and authorization for any acquisition or disposition of real property related thereto. Borough of Queens, Council District 31, Community District 13.

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

L.U. No. 416

By Council Member Salamanca:

Application No. C 190127 PQM (Manhattanville Walkway 437 West 126th Street) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 437 West 126th Street (Block 1967, Lot 5) for use as an open, landscaped walkway. Borough of Manhattan, Council District 7, Community District 9.

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

L.U. No. 417

By Council Member Salamanca:

Application No. C 190128 HAM (Manhattanville Walkway 437 West 126th Street) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval, and the disposition of city-owned property, for property located at 437 West 126th Street (Block 1967, Lot 5). Borough of Manhattan, Council District 7, Community District 9.

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

L.U. No. 418

By Council Member Salamanca:

Application No. 20190177 HAK (Brownsville North NCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval, and the disposition of city-owned property located at 379-383 Howard Avenue (Block 146, Lots 1 and 3) and 1297 East New York Avenue (Block 1476, Lot 34), to a developer to be selected by HPD. Borough of Brooklyn, Council District 41, Community District 16.

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

L.U. No. 419

By Council Member Salamanca:

Application No. N 190036 ZRQ (Court Square Block 3 Text Amendment) submitted by Court Square 45th Ave LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XI, Chapter 7 (Special Long Island City Mixed Use District). Borough of Queens, Council District 26, Community District 2.

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

L.U. No. 420

By Council Member Salamanca:

Application No. C 190113 ZMR (Special Bay Street Corridor District) submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 21c & 21d. Borough of Staten Island, Council District 1, Community District 1.

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

L.U. No. 421

By Council Member Salamanca:

Application No. C 190114(A) ZRR (Special Bay Street Corridor District) submitted by the New York City 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, establishing the Special Bay Street Corridor District (Article XIII, Chapter 5), and modifying related Sections, including Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of Staten Island, Council District 1, Community District 1.

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

L.U. No. 422

By Council Member Salamanca:

Application No. C 190115 PPR (Special Bay Street Corridor District) submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning. Borough of Staten Island, Council District 1, Community District 1.

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

L.U. No. 423

By Council Member Salamanca:

Application No. C 190179(A) HAR (Special Bay Street Corridor District) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval and the disposition of city-owned property, for property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), to a developer to be selected by HPD. Borough of Staten Island, Council District 1, Community District 1.

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

L.U. No. 424

By Council Member Salamanca:

Application No. C 190207 ZMX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a & 6c, changing from an R7-2 District to a C6-2 District property located at Block 2360, Lots 1 & 3. Borough of the Bronx, Council District 17, Community District 1.

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

L.U. No. 425

By Council Member Salamanca:

Application No. C 190208 PPX (Brook 156) submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning. Borough of the Bronx, Council District 17, Community District 1.

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

L.U. No. 426

By Council Member Salamanca:

Application No. C 190209 ZRX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of the Bronx, Council District 17, Community District 1.

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

L.U. No. 427

By Council Member Salamanca:

Application No. C 190210 ZSX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue a.k.a. East 156th Street (Block 2360, Lots 1 & 3), in a C6-2* District. Borough of the Bronx, Council District 17, Community District 1.

*Note: The site is proposed to be rezoned from an R7-2 District to a C6-2 District under a concurrent related application (C 190207 ZMX).

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

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Thursday, May 9, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|--------------------------|---|
| 11:00 – 12:00 | Correction | Criminal Justice |
| 12:00 – 1:00 | Health + Hospitals | Hospitals |
| 1:00 – 2:00 | Environmental Protection | Environmental Protection |

Friday, May 10, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|--------------|-----------------------------|---|
| 12:00 – 1:00 | Taxi & Limousine Commission | Transportation |
| 1:00 – 2:30 | Transportation | Transportation |

Monday, May 13, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|------------------------------------|---|
| 10:00 – 12:00 | Housing Preservation & Development | Housing & Buildings jointly with Subcommittee on Capital Budget |
| 12:00 – 2:00 | Buildings | Housing & Buildings |
| 2:30 – 3:30 | Immigrant Affairs | Immigration |

Tuesday, May 14, 2019

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor.....9:30 a.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

[See Land Use Calendar](#)

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|-------------|--|--|
| 1:00 – 2:00 | Parks and Recreation | Parks and Recreation jointly with Subcommittee on Capital Budget |
| 2:00 – 3:00 | Information and Technology and Telecommunication | Technology |
| 3:00 – 4:00 | Fire / Emergency Medical Service | Fire and Emergency Management |

Wednesday, May 15, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|--|--|
| 10:00 – 12:00 | Police | Public Safety |
| 12:00 – 1:00 | Office of Civil Justice (Human Resources Administration) | Public Safety jointly with Justice System |

Committee on Consumer Affairs & Business Licensing

Rafael L. Espinal, Chairperson

Proposed Int 1476-A – By The Speaker (Council Member Johnson) and Council Members Levine, Cabrera, Brannan, Rosenthal, Holden, Lander, Dromm and Reynoso – **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale of fur apparel

Council Chambers – City Hall.....1:00 p.m.

Cancelled

Subcommittee on Planning, Dispositions & Concessions

Ben Kallos, Chairperson

See Land Use Calendar

~~Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.~~

Thursday, May 16, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|---------------------------------|---|
| 10:00 – 11:00 | Youth and Community Development | Youth Services |
| 11:00 – 12:00 | Small Business Services | Small Business |
| 2:00 – 3:00 | Health & Mental Hygiene | Health jointly with Mental Health, Disabilities and Addiction |

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Friday, May 17, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|----------------------------------|---|
| 10:00 – 10:45 | Law Department | Governmental Operations |
| 10:45 – 12:15 | Citywide Administrative Services | Governmental Operations |
| 12:15 – 1:30 | Board of Elections | Governmental Operations |
| 1:30 – 2:15 | Campaign Finance Board | Governmental Operations |

Monday, May 20, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|--------------|--|---|
| 10:00 – 1:00 | Education (Expense and Capital) School Construction Authority | Education |
| 2:00 – 3:00 | Economic Development Corporation | Economic Development |

Tuesday, May 21, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee and Subcommittee |
|---------------|--------------------------|--|
| 10:00 – 11:30 | Libraries | Cultural Affairs, Libraries & International Intergroup Relations |
| 11:30 – 12:30 | Cultural Affairs | Cultural Affairs, Libraries & International Intergroup Relations |
| 1:00 – 2:00 | Sanitation | Sanitation & Solid Waste Management |
| 3:00 – 4:00 | MTA NYC Transit | Transportation |

[Committee on Veterans](#)

Chaim M. Deutsch, Chairperson

Preconsidered Int ____ - By Council Member Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to making public the mayor’s office of operations’ report on veterans receiving certain city services.

Res 568 – By Council Members Rosenthal, Constantinides, Borelli, and Deutsch - **Resolution** calling on the Veterans Administration to name its hospital in Manhattan after the American Revolutionary War heroine Margaret Corbin, who survived a battle that occurred in Manhattan and became the first female to receive a military pension.

Res 844 – By Council Member Cabrera - **Resolution** recognizing the 75th anniversary of D-Day.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Wednesday, May 22, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|--------------|--|---|
| 10:00 – 1:00 | Human Resources Administration and Homeless Services | General Welfare |
| 1:00 – 2:00 | Administration for Children’s Services | General Welfare & Women & Juvenile Justice |

Committee on Justice System

Rory Lancman, Chairperson

Oversight - Preparing for the Implementation of Bail, Speedy Trial, and Discovery Reform.

Committee Room – City Hall.....1:00 p.m.

Thursday, May 23, 2019

| Time | Agency Testifying | Finance Committee jointly with Council Committee |
|---------------|-------------------------------|---|
| 10:00 – 11:00 | Finance | Finance |
| 11:00 – 11:30 | Comptroller | Finance |
| 11:30 – 12:00 | Independent Budget Office | Finance |
| 12:00 – 2:00 | Office of Management & Budget | Finance jointly with Subcommittee on Capital Budget |
| 2:00 | Public | |

Wednesday, May 29, 2019

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that May is Asian Heritage Month. He encouraged everyone to learn more about the different Asian cultures and their contributions to our city and our country. The Speaker (Council Member Johnson) also wanted to take a moment to wish our Muslim friends, neighbors, and constituents an easy fast and a *Ramadan Mubarak*. In addition, he acknowledged that next Sunday was Mother’s Day. The Speaker (Council Member Johnson) praised his own mother and thanked every mother who is involved with the Council for making the world a better and more loving place. He concluded by wishing everyone a Happy Mother’s Day.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 29, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 1010-A, 1064-B, 1149-B, 1158, 1164-A, 1166-A, and 1308-A, all adopted at the March 28, 2019 Stated Meeting, were returned unsigned by the Mayor on April 30, 2019. These items had become law on April 28, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 74 through 80 of 2019, respectively,